

# FLAGG'S FLATS

JARED FLAGG

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*t' Fort nieuw Amsterdam op de Manhatans*



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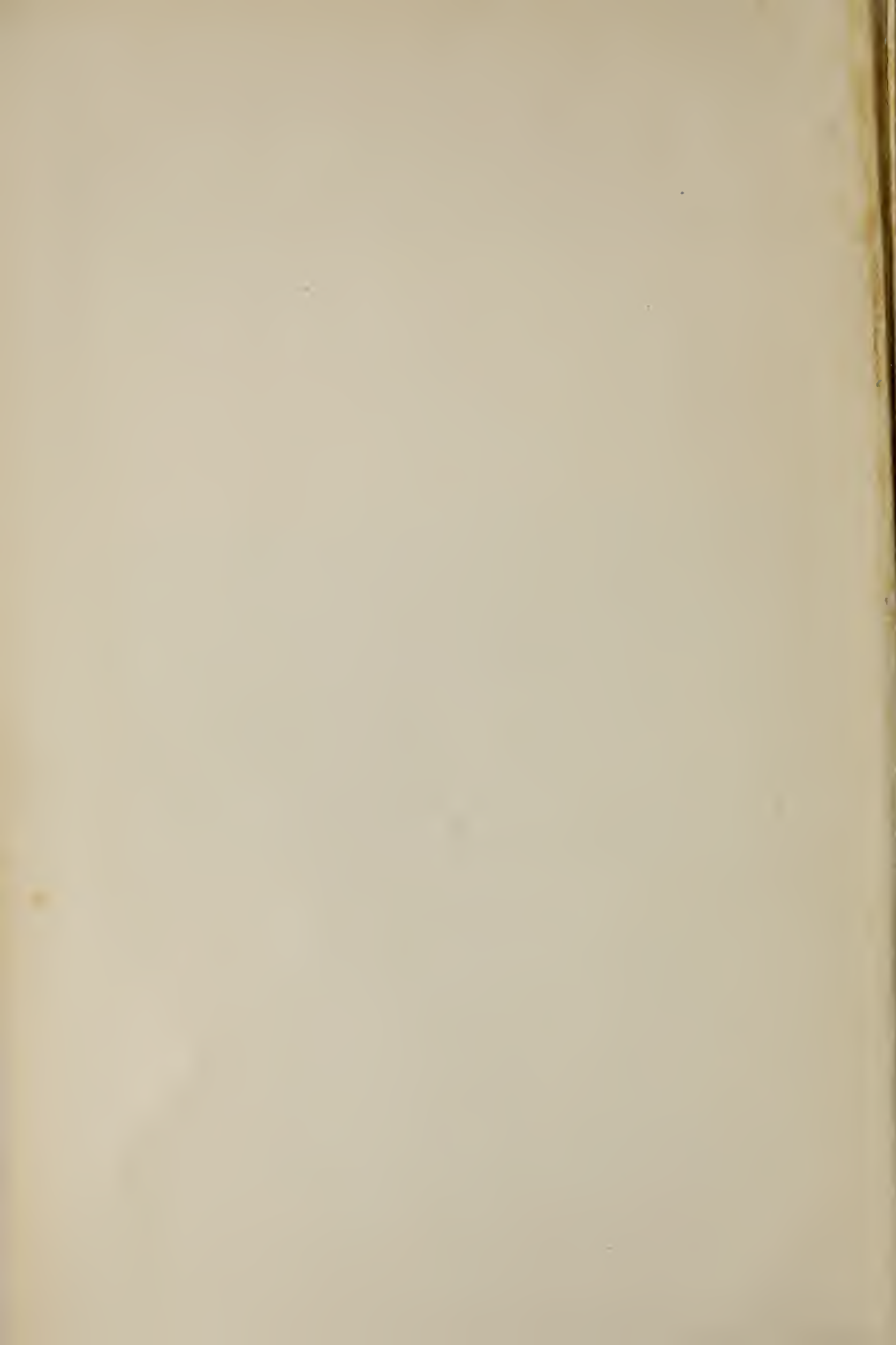
(NEW YORK), 1651.

When you leave, please leave this book  
Because it has been said  
"Ever'thing comes t' him who waits  
Except a loaned book."


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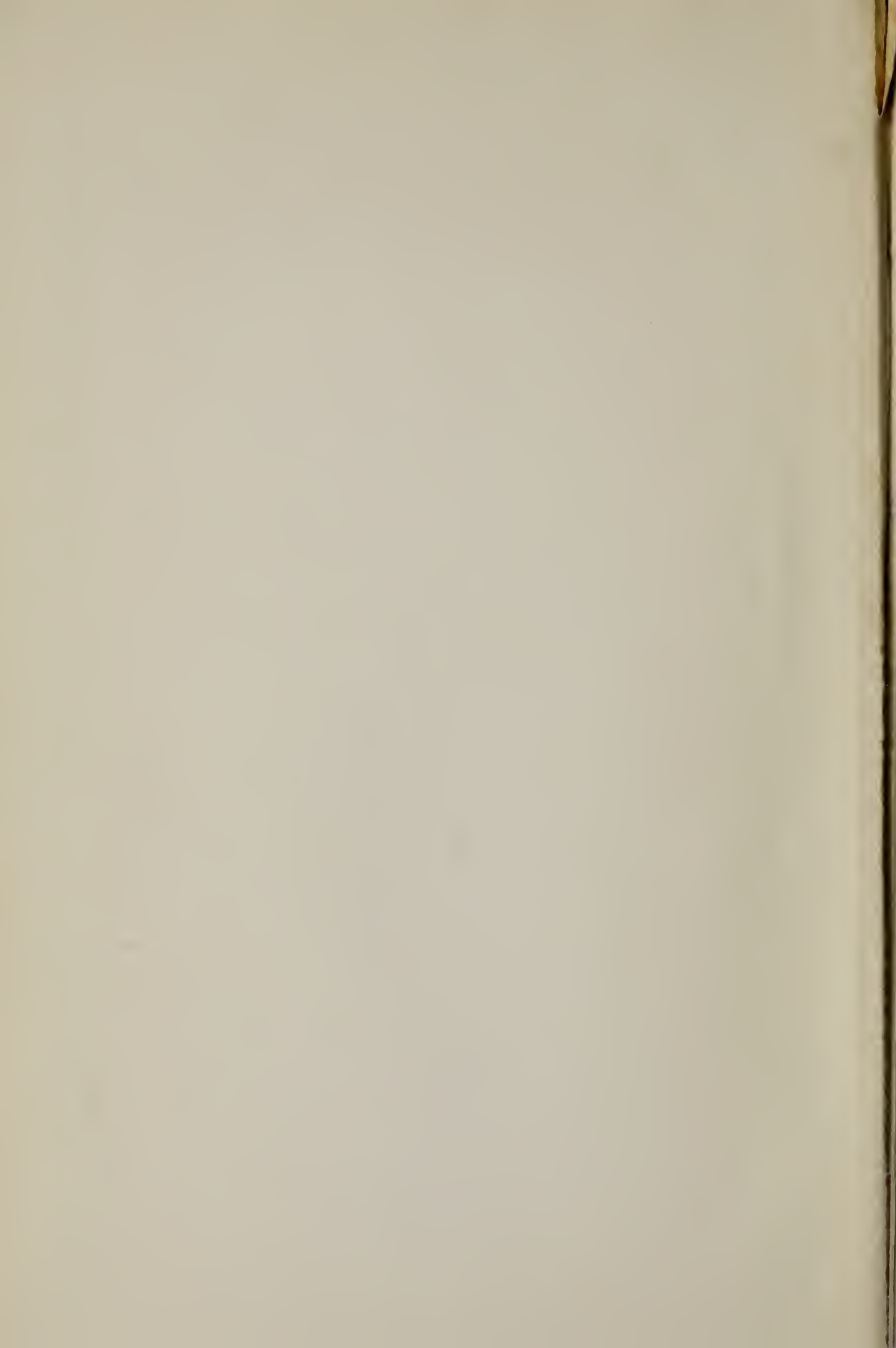






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# FLAGG'S FLATS

BY  
JARED FLAGG

Third Edition

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## TO THE READER

ANYTHING worth reading at all is worth reading carefully. If you read this book you should read it *carefully*. You should not lose the gist by skimming over certain seemingly unimportant parts.

The book explains why my real friends stand by me and have stood by me even in my darkest hours. In writing the book no attempt has been made to palliate my own faults and make my side appear better, or the other side worse, than the facts justify.

It is a simple narrative relating to certain events (many of them illegal, a few legal, in their nature), given in the order in which they occurred, without embellishments—a copy of the Court files—not so much what I say, but what the Records say. In other words, all that I say, whether appertaining to social, business, police or Court matters, can be verified.

The facts, prior to this publication, have appeared only in the Court Records. Few read the Records, few therefore are familiar with the facts in my case.

JARED FLAGG.

P. S.

There is no such thing as criminal slander. One person can say anything about another person and the other person's only legal re-

dress is by civil procedure. But let him put it down in black and white, let him write it, and it then, if false, becomes criminal libel. This means jail. The difference between talking and writing—slander and libel—is jail.

Over a year ago I wrote, I printed, I published the first edition of this book. Over a year ago I sent marked copies of the book to all those, including the newspaper editors and the public officials, herein denounced. I accused them respectively of being liars and scoundrels and thieves and blackmailers and perjurers and forgers, and then folded my arms, so to speak, and waited to see what they were going to do about it. They didn't do anything. They didn't even let out a peep; nor have I, from that day to this, heard one word from any one of them. I have, however, heard many expressions of righteous indignation from others, and have received many commendatory letters from friends and from utter strangers residing in different parts of the country. I have also received orders from most, if not all, of the largest public libraries in the United States, and these orders have been executed. Furthermore, all the greatest educational institutions in America have written to me. Copies of some of the letters received from these great seats of learning follow:

YALE UNIVERSITY LIBRARY.

NEW HAVEN, CONN.

MR. JARED FLAGG.

DEAR SIR: I take the liberty of asking whether a copy of your "FLAGG's FLATS" could be deposited in this Library for the use of future students and investigators in genealogy and history.

Assuring you that the book could be put to no better use, I remain,

Yours respectfully,

J. C. SCHWAB,  
Librarian.

HARVARD COLLEGE LIBRARY.

CAMBRIDGE, MASS.

JARED FLAGG, ESQ.

DEAR SIR: My attention has been called to the publication named below and to the desirability of placing it in this Library for the use of professors and students of the University.

The work not being readily procurable through the book-trade, I venture to ask that the Library may be favored by the gift of a copy. Your kindness in this matter will be highly appreciated.

WILLIAM C. LANE,  
*Librarian.*

"FLAGG's FLATS," by Jared Flagg.

COLUMBIA UNIVERSITY, IN THE CITY OF NEW YORK,  
LIBRARY.

MR. JARED FLAGG.

MY DEAR SIR: My attention has been called to your book entitled "FLAGG's FLATS," and if you will present a copy to this Library we will be very glad to receive one for preservation among our collections.

Very truly yours,

W. D. JOHNSTON,  
Librarian.



LIBRARY OF PRINCETON UNIVERSITY.

PRINCETON, N. J.

JARED FLAGG, ESQ.

DEAR SIR: I am advised that a book called "FLAGG'S FLATS" is to be desired for this library, and, being privately printed, is to be had only from you.

It would be much appreciated if you should see fit to promote the usefulness of this library by giving or selling us a copy.

Believe me,

Yours very truly,

E. C. RICHARDSON.

VASSAR COLLEGE LIBRARY.

POUGHKEEPSIE, N. Y.

MR. JARED FLAGG.

DEAR SIR: We very much desire to have in this library a book entitled "FLAGG'S FLATS," of which you are the author, but we have learned that it is not for sale. If we may not buy a copy, may we beg one? There is much interest here in the subject with which it deals.

Very truly yours,

A. UNDERHILL,  
Ref. Librarian.

THE JOHNS HOPKINS UNIVERSITY.

BALTIMORE, MD.

MR. JARED FLAGG.

DEAR SIR: The library of the Johns Hopkins University would be pleased to receive a copy of "FLAGG'S FLATS." Upon its receipt a suitable acknowledgement will be sent.

Very truly yours,

DR. M. L. RANEY,  
Librarian.

CORNELL UNIVERSITY LIBRARY.

ITHACA, N. Y.

MR. JARED FLAGG.

DEAR SIR: The Cornell University Library has a considerable number of books on municipal government of cities and kindred topics, and would be much pleased to add your work, "FLAGG's FLATS."

If you are willing to send one to our library it will be regarded as a great favor.

Yours respectfully,

ANDREW C. WHITE,  
Asst. Librarian.

UNIVERSITY OF PENNSYLVANIA,  
THE LIBRARY.

PHILADELPHIA, PA.

MR. JARED FLAGG.

DEAR SIR: I have heard that recently you have had printed a book entitled "FLAGG's FLATS," which is of great interest and importance in connection with the Municipal Government of New York City, showing the misrule, etc., which has been carried on there. May I ask you if it is possible to send a copy of this book to the University of Pennsylvania Library? We would be very grateful to you if you can comply with this request.

Very truly yours,

KATHERINE S. LIEPER,  
Assistant Librarian.

THE UNIVERSITY OF CHICAGO.

FOUNDED BY JOHN D. ROCKEFELLER.

OFFICE OF THE LIBRARIAN.

CHICAGO, ILL.

MR. JARED FLAGG.

DEAR SIR: We have heard of a recent book published by you, and entitled "FLAGG's FLATS." If it be not asking too much we should be very glad to get two copies, one for our General Library, and one for our Dept. of Political Economy. If you can oblige us in this way, kindly send them by express, collect.

Truly yours,

ZELLA ALLEN DIXON,  
Librarian.

NEW YORK UNIVERSITY SCHOOL OF LAW.

WASHINGTON SQUARE, EAST, NEW YORK CITY.

JARED FLAGG, ESQ.

DEAR SIR: May I request a copy of "FLAGG'S FLATS" for our Law Library, 32 Waverly Place, New York City? We shall appreciate it, I assure you.

Very truly,

LESLIE J. TOMPKINS,  
Secretary.

SYRACUSE UNIVERSITY.

SYRACUSE, N. Y.

MR. JARED FLAGG.

New York City.

DEAR SIR:

Would it be possible for our library to obtain a copy of your book, "FLAGG'S FLATS"?

Yours very truly,

M. J. SIBLEY,  
Acting Librarian.

THE WELLESLEY COLLEGE,

MY DEAR MR. FLAGG: The Wellesley College Library desires a copy of your book, "FLAGG'S FLATS." . . .

Very truly yours,

H. ST. B. BROOKS,  
Acting Librarian.

THE COLLEGE OF THE CITY OF NEW YORK.

MR. JARED FLAGG.

DEAR SIR: If you will send us a copy of your work, "FLAGG'S FLATS," we will gladly defray cost and make the book accessible to readers in our library.

Yours truly,

HENRY E. BLISS,  
Deputy Librarian.

UNIVERSITY OF MICHIGAN.

ANN ARBOR, MICH.

MR. JARED FLAGG.

DEAR SIR:

We have five copies of your book, "FLAGG'S FLATS." If you can spare another copy it would be much appreciated by the following: Miss Mary Pratt, Librarian, Mitchell Public Library, Hillsdale, Mich. Please send C. O. D., direct to Hillsdale.

Thanking you for your kind response to our former request, I am

Very gratefully yours,

THEO. W. KOCH,  
Librarian.

UNIVERSITY OF SOUTHERN CALIFORNIA,

COLLEGE OF LIBERAL ARTS.

LOS ANGELES, CAL.

MY DEAR MR. FLAGG: We would like very much to have a copy of your book, "FLAGG'S FLATS," in our library. What would be the cost?

Very truly yours,

C. N. BROWN,  
Librarian.

DE PAUW UNIVERSITY.

GREENCASTLE, INDIANA.

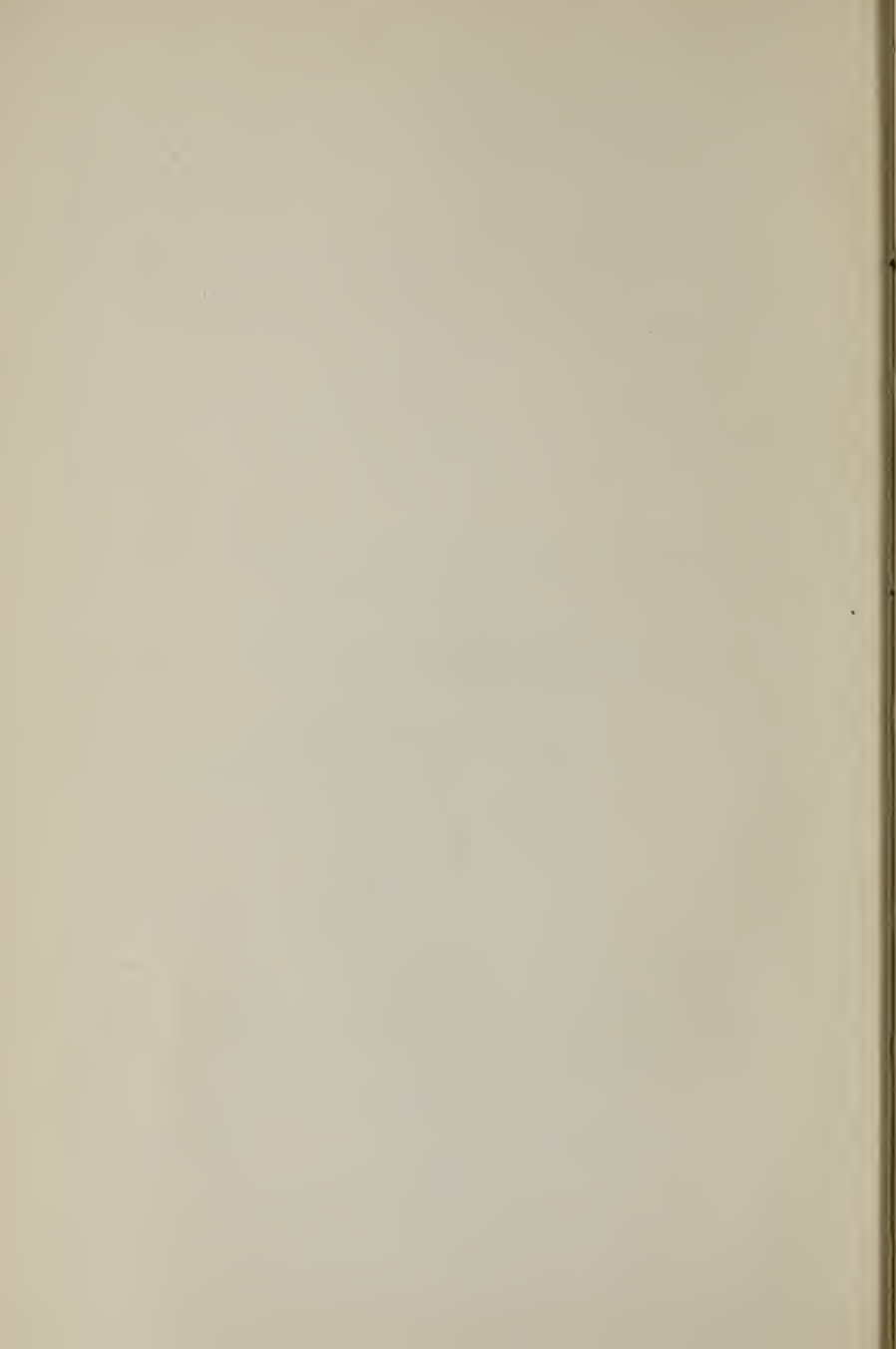
MR. JARED FLAGG.

DEAR SIR:

Will you kindly send a copy of your book, "FLAGG'S FLATS," to our library? It would be appreciated here. We have a debate in preparation on the subject of city government, and would find it especially useful.

Very truly yours,

L. M. POWELL,  
Librarian.



## CHARACTERS WHO APPEAR IN THIS VOLUME

THEODORE ROOSEVELT, *President of the United States.*  
GEO. B. MCCLELLAN, *Mayor of the City of New York.*  
RECORDER GOFF, *of New York City.*  
JUDGE HOUGH, *of the United States Court.*  
JUDGE NEWBERGER, *of the General Sessions Court of New York.*  
JUDGE V. J. DOWLING, *of the Supreme Court.*  
JOHN R. FELLOWS, *late District Attorney of the City of New York.*  
BARTOW S. WEEKS, *Ex-Assistant District Attorney.*  
WM. TRAVERS JEROME, *District Attorney of the City and County of New York.*  
WM. MARSHALL, *Assistant District Attorney.*  
C. W. APPLETON, *Assistant District Attorney.*  
EX-ASSISTANT DISTRICT ATTORNEY LINDSAY.  
EX-ASSISTANT DISTRICT ATTORNEY LEWIS.  
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WM. HANNA, *First Assistant Clerk of the Court of General Sessions.*  
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J. J. CADWELL, *License Commissioner's Secretary.*  
GEO. W. HAMILTON, *Deputy License Inspector.*  
H. N. STEINERT, *License Commissioner's Attorney.*  
F. L. C. KEATING, *Ex-License Commissioner of the City of New York.*  
GEO. W. BENHAM, *Warden, Auburn State's Prison.*  
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EX-POLICE COMMISSIONER THEODORE A. BINGHAM.  
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INSPECTOR SCHMITTBERGER, *of the police force of New York City.*  
ACTING POLICE CAPTAIN LYNCH, *of the West Twentieth Street Station House.*  
POLICE CAPTAIN MARTINS, *of the East Thirtieth Street Station House.*

POLICE CAPTAIN PICKETT, *of the Tenderloin Station.*  
 EX-POLICE CAPTAIN JAMES K. PRICE.  
 EX-POLICE CAPTAIN GEO CHAPMAN.  
 EX-POLICE CAPTAIN J. J. DONOHUE.  
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 CENTRAL OFFICE DETECTIVE MASON.  
 POLICE DETECTIVE ZIMMERMAN.  
 POLICE DETECTIVE ROHRIG.  
 POLICE DETECTIVE H. W. SCHILL.  
 POLICE DETECTIVE COHN.  
 FRANCIS H. LEGGETT, *Wholesale Grocer and foreman of the Grand Jury that indicted Donohue and Price.*  
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 H. M. MACCRACKEN, *Vice-President of the Society for the Prevention of Crime.*  
 WM. H. ARNOUX, *Second Vice-President of the Society for the Prevention of Crime.*  
 THADDEUS D. KENNESON, *Secretary of the Society for the Prevention of Crime.*  
 ED. A. NEWELL, *Treasurer of the Society for the Prevention of Crime.*  
 FRANK MOSS, *Counsel of the Society for the Prevention of Crime.*  
 ARTHUR F. DENNETT, *late Superintendent of the Society for the Prevention of Crime.*  
 GILBERT TOTTEN REEDER, *Landlord.*  
 CHARLES W. BROOKE, *Counsel for Jared Flagg.*  
 H. D. MILDEBERGER, *Counsel for Jared Flagg.*  
 CARUTH & CARUTH, *Counsel for Jared Flagg.*  
 IRWIN E. ZIEGLER, *Counsel for Jared Flagg.*  
 FRANK WORK, *multi-millionaire.*  
 E. C. SEWALL, *Treasurer Pond's Extract Company.*  
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 HOWARD CHANLER CHRISTIE, *Illustrator.*  
 EDISON M. KNOX, *Illustrator.*  
 SARONY, *Photographer.*  
 L. S. WHITE, *Photographer.*  
 TONELE, *Photographer.*  
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 HEINRICH CONREID, *Operatic and Theatrical Manager.*  
 DAVID BELASCO, *Operatic and Theatrical Manager.*  
 CHAS. FROHMAN, *Operatic and Theatrical Manager.*  
 DANIEL FROHMAN, *Operatic and Theatrical Manager.*  
 H. B. SAVAGE, *Operatic and Theatrical Manager.*  
 KLAU & ERLANGER, *Operatic and Theatrical Managers.*



SHUBERT BROS., *Operatic and Theatrical Managers.*  
 THOMPSON & DUNDY, *Operatic and Theatrical Managers.*  
 KEITH & PROCTOR, *Operatic and Theatrical Managers.*  
 BRADHURST & CURRIE, *Operatic and Theatrical Managers.*  
 FISHER & RYLIE, *Operatic and Theatrical Managers.*  
 HURTIG & SEAMON, *Operatic and Theatrical Managers.*  
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 F. ZIEGFELD, *Operatic and Theatrical Manager.*  
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 WHITNEY, *Operatic and Theatrical Manager.*  
 LIEBLER, *Operatic and Theatrical Manager.*  
 ABORN, *Operatic and Theatrical Manager.*  
 W. ASHLAND, *Manager the Witmark's Agency Department.*  
 WEBSTER CULLISON, *Theatrical Agent.*  
 PHILIP WATKINS, *Theatrical Agent.*  
 F. C. PALMER, *Theatrical Agent.*  
 W. J. PLIMMER, *Theatrical Agent.*  
 J. J. ARMSTRONG, *Theatrical Agent.*  
 FRANK MELVILLE, *Theatrical Agent.*  
 ARTHUR W. TAMS, *Theatrical Agent.*  
 MATT GRAW, *Theatrical Agent.*  
 FRANK FORRESTER, *Theatrical Agent.*  
 AUSTIN DAVIS, *Theatrical Agent.*  
 WM. MORRIS, *Theatrical Agent.*  
 ROBERT GRAW, *Theatrical Agent.*  
 HENRY WOLFSOHN, *Theatrical Agent.*  
 B. PACKARD, *Theatrical Agent.*  
 MRS. AUSTIN DAVIS.  
 MISS MABELLE TEXAS.  
 MISS GRACE PROCTOR.  
 MISS BEATRICE PHELPS.  
 JAMES IRBY, *Mr. Flagg's rent collector.*  
 WM. YOUNG, *Mr. Flagg's rent collector.*  
 ILMA SALTER, *the first young woman ever placed on the stage by*  
*Mr. Flagg.*  
 MRS. SALTER, *Ilma's mother.*  
 ED. L. SCHILLER, *Stock Broker.*  
 WM. B. REED, JR., *Stock Broker.*  
 HENRY A. JACKSON, *Stock Broker.*  
 J. BAUMANN, *Furniture Dealer.*  
 MR. FISHER, *Furniture Dealer.*  
 LUDWIG BAUMANN, *Furniture Dealer.*  
 SAM MANGES, *Furniture Dealer.*  
 MOSES MANGES, *Furniture Dealer.*

DANIEL FARRELL, *Furniture Dealer.*  
HENRY MANNES, *Furniture Dealer.*  
HENRY THOUSEN, *Furniture Dealer.*  
JOHN DOWD, *Watchman.*  
FATHER DUCEY.  
REV. J. A. B. WILSON.  
CHARLOTTE SMITH, *President of the fake Woman's Rescue League.*  
LAWRENCE G. GOODHART, *Attorney for the fake Woman's Rescue League.*  
HELEN ARTHUR, *Attorney for the Woman's Municipal League.*  
MISS BURT, *friend of Charlotte Smith.*  
BERTHA CLAICHE, *the "white slave girl."*  
GEO. W. MINER, *Commissioner of Deeds.*  
LOUISE FINK, *honest working girl.*  
MAGGIE SMITH, *honest working girl.*  
ANNA CHAPMAN, *honest working girl.*  
ADDIE SMITH, *honest working girl.*  
JOSEPHINE MERRITT, *honest working girl.*  
LIZZIE GREGORY, *honest working girl.*  
CITY MARSHAL JAMES M. GANO.  
MAYOR WM. J. GAYNOR.  
GEO. D. SMITH and  
JARED FLAGG.





JARED FLAGG

A SNAPSHOT

1910

# FLAGG'S FLATS

## CHAPTER I

IT is dangerous for a person to have an idea. There is no telling where a man with an idea may land. I once had an idea and it landed me in the Tombs.

It occurred to me that the majority of the people were honest, and if the installment furniture dealers were willing to trust their customers with ninety per cent of the face value of the goods purchased, it would be safe to trust them with the entire one hundred per cent. In other words, if it were policy to sell and deliver one hundred dollars' worth of furniture on a payment down of ten dollars and take chances on collecting the remaining ninety in weekly payments, it would be feasible to sell one hundred dollars' worth, or more, without demanding the customary ten

per cent deposit prior to the delivery of the goods. The first large advance payment should be eliminated and the entire bill liquidated by small weekly payments.

This was my idea and I imparted it to Mr. Jacob Baumann, of J. & S. Baumann, furniture dealers.

At first Mr. Baumann did not seem to take kindly to it. "It had never been tried—would be risky," etc. But when a person has nothing to risk and everything to gain he can talk impressively, and I impressed upon him the profits he could make. I explained how the system in vogue tended to work a hardship, especially on young engaged couples; "it was deterring many from marrying; it was not so much the inflated installment price, as it was the large advance payment exacted at a time when it was most difficult for the purchaser to spare the money because of the multiplicity of expenditures incidental to starting house-keeping." Therefore I maintained that the installment dealer who had the foresight to appreciate the value of my idea, and the courage to adopt it, would reap a reward.

"If you are so sanguine it can be worked without loss," said Mr. Baumann, "you ad-

vance to us the first ten per cent and we will then fill orders for any one you may introduce, provided we are satisfied with his references; and after we have collected an amount equal to the amount advanced by you, we will refund it to you; but if any of your customers skip with the goods, or return them before we have collected the first ten per cent of the bill, you will forfeit the ten per cent which you advanced to us; agree to this and we will agree to pay you a commission of ten per cent on all moneys collected from your customers."

A contract to this effect was signed, and although I may have felt a trifle ticklish in assuming a risk I had urged another to assume on the ground that it was no risk, nevertheless I lost no time in beginning operations. An advertisement appeared in the daily papers; and those desiring to furnish homes on the installment plan, without making a payment down, were invited to call at my office.

A young gentleman called, one about to be married. He knew of a flat that suited them. The landlord would give the balance of the first month's rent free, but demanded the second month's rent, cash in advance before giving possession; the gas trust required a cash



deposit before turning on the gas; the minister expected his fee to be paid spot cash, and would prefer it in gold; every one wanted cash down except Mr. Flagg; and this was why he had called. He estimated that the flat could be furnished for one hundred and fifty dollars, but Mr. Flagg, "an experienced furniture man, would know best." Mr. Flagg knew nothing. It depended on the young woman, his intended; if she had ideas, that is, if she possessed good or bad taste, there was no computing in advance what it might cost. "Anything that suits me will suit Elphye," he said; but the next day, at the store, it proved to be the reverse, and everything that suited Elphye suited him. Consequently with Elphye's notions of what might "look cute," and the extras, and installment prices, which included my commission, the bill amounted to three hundred and fifty dollars, about twice the amount calculated. Still, as the weekly payments were to be moderate, a chattel mortgage was signed; and his references were looked up; and as they proved to be satisfactory I was called upon, as per agreement, to deposit with the firm ten per cent of the bill—thirty-five dollars.

Now it so happened, at this particular time, although I may have looked like "ready cash" I was pinched financially, my available capital being only a trifle over three hundred dollars, but I was willing to stake it on my idea, and did, and what was more, I won out.

My advertisements drew; the "no cash down" proposition touched the public in a tender spot; the people came and at the close of the first week my sales had reached the three thousand dollar mark, therefore my profits for the first six days were ten per cent of the three thousand dollars—three hundred dollars.

My idea had surprised me. A profit of three hundred dollars in one week? It seemed incredible. The only trouble was it was paper profit. I could see no cash, not even a small balance; my available capital was gone; it was "up" as security "in the firm's" bank, and owing to the long-winded nature of the business, was likely to remain there for some time to come.

If a business man cannot pay with checks, he should pay with notes. No man is too poor to draw a note, therefore bright and early the next week I started for the store, armed with

a pocket full of blank notes and several customers in tow, one of whom, a boarding house keeper, wished to furnish a fourteen-room house. My sales that day—not week—amounted to four thousand dollars; this was making money, but this was my idea. That day I lunched with the members of the firm; they insisted I should drink the best wines, and smoke the best cigars; they conveyed to my mind that the best was none too good for me, and invited me to make myself comfortable in their innermost private office while the “poor devils”—the fifteen and twenty-dollar-per-week clerks, who never knew what it was to have an idea—waited on my customers.

At the close of the day Mr. Fisher, the cashier, called my attention to the fact that a note was not a check. Instead of four hundred dollars, which would have represented the first payment (ten per cent) to which the firm was entitled on the goods purchased by my customers that day, I had tendered a ninety-day note. “This was not in accordance with the agreement,” Mr. Fisher said; “I am not authorized to accept it, the firm will have to be consulted.” Whereupon I did the consulting, and the firm did the authorizing, and

the cashier accepted the note. The next day, without being authorized, he accepted another, and kept accepting them. And when I intimated to the firm that I lacked the wherewithal to pay for my furniture advertisements, I was told to draw a note and present it to the cashier, Mr. Fisher; and when I saw the cash and counted it, and stowed it away in my inside pocket, it commenced to dawn on me that perhaps, after all, my notes might be better than I thought they were.

In due course of time the three hundred dollars original capital came back, and then by degrees as new notes were "floated," old ones were redeemed, until at last the real, not the paper, profits commenced to flow in my direction. It had taken time, but when they once commenced to come, they came. Faster and faster and larger and larger as the months rolled by—one year, two years, three years, and still they came. It was not only the Baumann firm now, but five other firms as well, Manges Brothers, Henry Thousen & Company, D. O'Farrell & Company, H. Mannes & Sons, and Moses Manges & Company, that were contributing to my bank account. One of these other firms—Henry Thousen & Com-

pany—became financially involved, and in lieu of a cash settlement I was constrained to accept my commissions in furniture. Not wishing to slaughter this furniture, by having it sold at auction, or have it “eat itself up” by placing it in storage, I leased and furnished a flat with a view of renting it at a profit.

This was the beginning—this accident; I did not realize it at the time, but it was the beginning, just the same, of the so-called “Flagg’s Flats.” Had I only known then what I know now, that little five-room flat, with its porcelain bath-tub and stationary ice-box, would never have been furnished by me—not in a hundred years. And yet there is nothing wrong in furnishing a flat with the view of subletting it at a profit.

Every human being has the right of habitation, just as every human being has the right to eat, but no person has the legal right to use or rent to another an abode to be used for immoral purposes. Knowing this I was particular in procuring a tenant; after which I gave no thought to the matter, simply made an arrangement with the janitor to collect the rent from my sub-tenant and remit proceeds.

Another year passed and still the people

thronged to my office to purchase furniture without payment down. My fifty-cent advertisements did the work; my business prospered; there was not a cloud on the horizon; even the little imitators, who had from time to time cropped up, with the intention of conducting business on the lines adopted by me, had now dropped out and were no longer in evidence. It certainly seemed as if at last I was going to have money; at last was going to experience joy, the same joy that the rich seem to take in making their dearest friends and poorest relatives green with envy. But this seeming happiness—the one ambition of so many—was not in store for me.

The unexpected happened.

It so happened that the firm, the original Baumann firm, the members of which had backed me, loaned me money, carried me over the rough places, permitted me to secure them with their own funds by accepting my unendorsed paper as security in lieu of cash, were at this time transacting a stupendous business. My trade, although not to be despised, was a bagatelle compared to their own; but their largest competitor—Ludwig Baumann—was not aware of this fact, and at-



tributed the activity of J. & S. Baumann to "that man Flagg." "He is doing it. He is the one. If we allow this thing to continue, in time he will gobble up all the trade in town. We do not approve of the no cash down plan; it's an idiotic idea; suicidal; no person ever heard of selling furniture on such a crazy basis until we heard of Flagg. Flagg has ruined the business, now we will ruin him; we will give him a dose of his own medicine." This is what they said; and, they certainly made it interesting for me.

Ingenuity, integrity, sobriety, efficiency, originality, energy and ability often count as nothing compared to capital. This rival firm possessed capital, and with it could crush and drive me from the field as easily as I had crushed others—little impecunious competitors who had essayed to interfere with my business.

The first gun, or rather broadside, was fired February 25, 1890; and from that day till this, in their particular line of endeavor I cannot say I have been a factor. Metaphorically speaking, I was blown so high that the installment furniture men of New York City have as yet been unable to recover even a fragment, and have probably long ere this become reconciled



to the fact that I am lost to them forever. On that memorable day, this rival firm, Ludwig Baumann & Company, bought a full page in all the leading city and nearby country newspapers, and in flaring type announced to the world that they would henceforth sell furniture on the longest credit and WITHOUT A PAYMENT DOWN.

The other firm, my friends, J. & S. Baumann, did not wish to join in the fight and thereby aid in putting me out of business, but asked if I could afford to expend in advertising five hundred dollars a day. Self-preservation is the first law of nature, and in justice to themselves they would have to strike back. There was to be war; thousands were to be squandered in advertising those three little words, "No money down."

A fifty-cent "advertisement" is no match for a five-hundred-dollar "advertisement." And so it came to pass at the expiration of four years I, who had revolutionized (at least for the time being) the installment business of the city, suddenly found myself forced out, swallowed up, as it were, just as big fish swallow little fish.

Unfortunately, however, I was not a bank-

rupt. Had I at this crucial moment been stranded high and dry without a dollar, how different it all might have been; how different my life; how brilliant a future I might have had! My reputation at that time was intact; my relatives had not been humiliated, and I had not been forever "damned" by prison bars. But fate was against me; thousands were still to be placed to my credit. Those three potent words, which meant so much to the poor, had paid a profit. How was I to invest this profit? Every installment firm with which I had been associated was in my debt. The money came to them from my customers in dribbles. At stated intervals settlements were made and I received, according to agreement, commissions to date on moneys collected. The firms would seize no furniture, would foreclose no mortgages, if the buyers showed a disposition to make any kind of payments, however small; therefore bills which should be liquidated in one or two years might drag on four or five years, and it was going to be a long wait.

Things that heretofore had been luxuries to me had now become necessities, and if I waited for my commissions to come in they might go as fast as they came. On the other

hand, if in lieu of cash commissions I would agree to accept furniture, every firm with which I had been associated would settle with me on the spot. And by utilizing this furniture in flats I could derive an immediate and large revenue.

We usually do that which we deem to be best under existing conditions, and in the light of the excellent showing made by the original five-room flat—the accident—it seemed best for me to place myself in a position where I could have a permanent income, derived from my principal, rather than to live on my principal. This original flat, after making an allowance for wear and tear and vacancies, had paid an average profit of four dollars per week, during a period of fifty-two weeks. In renting it I happened to find tenants in all respects desirable, and it was owing to this misfortune that my calculations miscarried. Had I leased it to a tenant capable of paying the first month's rent and "sticking" me for the next two, and if, after being put to the trouble of dispossessing him, I had had the good fortune to find another, capable of creating such a disturbance that the owner of the property would have felt it incumbent upon himself to

have dispossessed me, I might then have been able to form a more conservative estimate of the ultimate net profits of the business; but as it was I allowed myself to be duped by myself and based my figures on the actual cash showing that this original flat had made. I said to myself, "If one furnished flat will yield a profit of four dollars a week, one hundred will yield one hundred times as much—four hundred dollars per week. "And it was not many weeks before I had one hundred flats furnished and in operation. The furniture firms then owed me nothing, and if I had stopped right there, I might have made a success of the flat business, but like many others I did not become conservative until it was too late. I did not appreciate the fact that my business was running smoothly, well in hand, and every detail carefully looked after; nor did I stop to consider my experience in the business was as yet limited, and there might be pitfalls unknown to me; I thought I knew it all and so staked all, jeopardized a small certainty for a large uncertainty.

Ambition ruins more men than it makes. I was ambitious and wanted an income of one hundred thousand dollars a year. If one hun-

dred flats could be made to pay a profit of four hundred dollars a week, five hundred could be made to pay five times as much, and five times four hundred are two thousand. Two thousand dollars in one week would amount in round numbers, to one hundred thousand dollars in one year. These were my figures and they looked pretty on paper; figures usually look better on paper than in real life. However, figures or no figures, correct or incorrect, the fact remained that the furniture firms which I had trusted were willing to trust me, and I could think of no reason why I should not permit them to do so. With money, money is made. Why not use a little of their money? Why not within five years have five hundred flats all paying a profit? These were the questions I put to myself, and this is what I attempted to accomplish. It was an undertaking, but I felt it could be carried through, and even when I encountered innumerable and seemingly insurmountable obstacles I paid no attention to them, and pressed straight ahead; and at the end of five years from the day I embarked in the flat business, I had, by actual count, four hundred and eighty-eight flats, daintily furnished and

equipped to the most minute detail; pictures, linen, silver, china, cooking utensils and all.

To facilitate business I ran an upholstering shop, a carpet cleaning establishment, a crockery and tin-pan store, and a laundry in which three thousand of my sheets were washed each week. I employed bookkeepers, collectors, janitors, night watchmen, scrub women, painters, paper hangers and plumbers, by the year. Also a bed-bug gang—the only one of its kind, probably, ever organized in the United States.

About this time my business commenced to attract attention. Everyone, it seemed, had heard of the "Flagg Flats." And visitors to New York, from all parts of the world, occupied and kept house in them rather than pay hotel rates. As a result money flowed into my office like water, but it also flowed out. Real estate agents and owners of flat property entreated me to buy. They told me to name my terms and I named them. And in the "Hall of Records" of the City and County of New York, the books show that on May 1, 1894, I held title (in addition to my leased flats) to over six hundred thousand dollars' worth of flat property, which I was pay-



ing for in monthly installments. All my buildings were located between Fifteenth and Fifty-eighth streets and Eighth and Lexington avenues, and during recent years have advanced enormously in value. I would have held them all, and ultimately have owned them free and clear, had not the police manifested a disposition to go into business with me. To this I OBJECTED. I told Captain J. J. Donohue, of the West Twentieth street police station, and Captain James K. Price, of the West Thirty-seventh street police station, and Captain —— Martins, of the West Thirtieth street police station, that if I were a person who would engage in a disreputable business, I could see some object in taking them into partnership with me, but as I was not one of that kind, and was conducting a lawful business, renting flats to respectable people, I could see no object in sharing profits with them.

In confirmation of this assertion I here quote from the Court Records of my trial (which will be described in the following chapters): "Captain Donohue wanted from me one hundred a month and I told him I would not give it to him (this was before I

was indicted), and McConville came to me (after I was indicted), and told me that I was a fool and standing in my own light; that if I would arrange with the Captain substantially I could be protected, and I said, 'I'll give you nothing; I am engaged in a lawful business, and I will give you or your Captain nothing.' "

This statement was made by me in an open Court of Law, when upon the witness stand and testifying under oath; and the statement stood uncontradicted to the very end of my trial, as I shall show hereafter by extracts from the Court Records.

I was firm because I believe my position impregnable. From the start I had been animated by a desire to succeed; I had not been conducting business for the purpose of destroying myself; and, aside from all right or wrong, I knew that one disreputable tenant might drive ten reputable ones out; so could not, on this account, if for no other reason, afford to have such in my buildings.

Every superintendent and janitor I had, subsequently, at my trial, testified under oath that I had given orders to dispossess, at any cost, and as quickly as the law would allow,



any questionable characters who might from time to time gain admittance. My jury heard this and other evidence bearing on the subject, and was convinced that it was not my intention to rent to disreputable persons, and so acquitted me of the charge that I knowingly rented flats to be used for immoral purposes.

It is not the act, it is the intention. Was it my intention to bring notoriety on my relatives and myself? This is the question; and those who were affected, those who were incensed, should have answered this question before passing censure. They should have taken into consideration my intentions, should have weighed the circumstances; and my object in having explained at length all the circumstances, all the occurrences leading up to, and which influenced me to embark in the furnished flat business, is to refute the claim advanced by so many that I intentionally engaged in the business for the sole purpose of renting flats to be used for immoral purposes.

Even in recent years, years after having been acquitted (by a duly impanelled jury of my peers) of this offense, certain newspapers, despite the verdict of this jury, despite the

Court Records, have published that I was adjudged guilty of the infamous charge. And many persons who read newspapers, but do not read Court Records believe me a vicious character. The police, however, not only the blackmailing, but also the honest members of the force, know the truth. Ex-Police Commissioner Parker, Chief of Police Moses W. Cortright, Inspector Schmittberger, Ex-Police Captain Chapman, Central Office Detective Mason, and other honest members, have said (in words chosen from their own vocabulary) that it was "handed out to me" when I did not deserve it. And even the dishonest members of the force have more than once been heard to say that they would not have gone so far had I not shown so much fight. They wanted to be friendly and said so; they did not want law; they were not looking for trouble; they were looking for money, and imagined I would scare at the sight of gold shields and brass buttons, and disgorge as others had disgorged. Such a thing as subjecting me, or of placing themselves, in a position to stand trial, did not at the outset enter their heads; but, later, when it dawned on them that they had encountered a man who would abide by his decision re-

gardless of any consequences that might come by so doing, they assumed a different attitude; and it was then—not at the beginning—that I was given to understand, in language more potent than polished, that I could take the consequences.

I took them.

Two days after I was told that I could take the consequences; two days after the final warning; after their final blackmailing demand, Police Captain J. J. Donohue, and his emissary, Officer Barnard McConville, on *ex parte* evidence—which is no evidence at all—secured an indictment against me.

I quote the words of my lawyer—the late Chas. W. Brooke—when addressing the Court: [“That was the 23d day of May, and on the 25th day of May these two people alone, for they did not take a neighbor—the law requires that the indictment shall contain the endorsement of the names of all the witnesses examined before the Grand Jury—they did not invoke the aid of anybody, but Donohue and McConville alone, two days after the refusal of Flagg to submit to their demands, went before the Grand Jury and on *ex parte* evidence procured this indictment.”]

What is a Grand Jury? What is an indictment? What is *ex parte* evidence? Webster's Dictionary defines a Grand Jury as a jury to decide whether the person accused is to be put on trial. If the members of a Grand Jury decide that an accused person shall be put to trial they issue a legal document called an indictment against the accused person. If before issuing this indictment they wish to hear both sides of the story they have the privilege of sending for the accused person and hearing what he has to say on the subject. But they did not send for me; they did not hear what I had to say on the subject; they simply indicted me on what is called *ex parte* evidence.

The definition of *ex parte*, according to Webster's Dictionary, is "one part"; that which is brought forward as evidence by one side only. And it was on such evidence that I was indicted.

Captain Donohue did the swearing, and his "right-hand man," McConville, did the corroborating. This swearing occurred two days after I had been warned that I could abide the consequences. Two days after that warning Donohue, who at the time had never been in one of my flats, and was not acquainted with

a single one of my tenants, testified under oath, before all the members of the Grand Jury, that of his own personal knowledge he knew my tenants were immoral and knew I knew it.

What do you think of that for ex parte evidence? And his confidential man, Officer McConville, who at the time did not even know me, and subsequently swore under oath that he did not know me, and, to the best of his knowledge and belief, had never seen me prior to May 31, 1894, nevertheless, on May 25, 1894—six days before he had, according to his sworn testimony, first seen me—went before the Grand Jury and, to make himself solid with his superior officer, Donohue, placed his hand on the Bible and swore he did know me. In other words, he first swears he knows a certain person he does not know; subsequently he swears he does not know a certain person he does know; and each time the Grand Jury called this corroborative evidence.

I quote from the Court stenographer's minutes: ["On the 25th day of May, 1894, McConville went before the Grand Jury and swore to this indictment against Flagg. McConville then comes before this jury and

swears he never saw Flagg in his life until the 31st day of May, 1894. He swears that he was one of the witnesses before the Grand Jury upon whose testimony this indictment on the 25th day of May was found; and he swears before you thereafter in his direct examination, and swears to it again three times in his cross-examination, that he never saw Flagg in his life until the 31st day of May, 1894.”]

When it comes to perjury there may be those in the “department” who can equal “Barney” McConville, the ex-truck-driver, but they cannot beat him.

The records of the Grand Jury room also show this is what happened; the indictment is still there; and if ever there was a travesty on justice this is it.

But what does a newspaper reporter or “space-writer” care for justice? All indictments look alike to them. So long as it was an indictment it was news. News to a “space-writer” means money, and in head-line letters it was announced to the public that “FLAGG IS INDICTED.” How, and by what means; whether by ex parte evidence, whether by perjured testimony or honest testimony, they did not state, and did not care.



The law says that every person charged with a crime or an offense is entitled to appear before a committing magistrate and to confront his accusers. But was I accorded any such right? I was not. These blackmailers knew their business too well; they knew it would not be conducive to their interests to let me tell my side of the story; that might upset their plans altogether; so they cut off my chance to be heard, and had me indicted without a hearing.

I quote from my lawyer's opening address:—["The constitutional right of every defendant—of every man charged with crime—is that he shall meet his accusers face to face; that he shall have the right to cross-examine and examine the witnesses against him. But on the 25th day of May, 1894, in secret, without notice to this defendant, without giving him an opportunity to defend himself, two police officers get access to the Grand Jury. You have preliminary magistrates. The law says that every man who is arrested is entitled to an examination. This is his constitutional right under the statute, and of this right, this defendant, Jared Flagg, WAS ROBBED."]

But the newspapers made no mention of this

little act of thievery. They simply informed the public that a true bill had been found against me; and this was sufficient. This was enough to make my social acquaintances, my business acquaintances, my "fair-weather friends" and many of my relatives look upon me askance. Had they known the truth they might have looked at the matter in a different light; but barring Donohue and McConville no one knew the truth. No one at that time knew the indictment was putrid to the core except these two—Donohue and McConville—but they knew and have always known that if ever they attempted to press it for trial, they would both be jailed as perjurers. And they have taken mighty good care not to let it be brought to trial. As a matter of fact, it never was, and never will be tried; it was only a trick to blight my reputation and place me at their mercy.

I quote from my lawyer's opening address:—"Now they say, now Mr. Flagg is indicted; now, we have not given him a chance even for an examination. We have cut off his right to prove his innocence before the preliminary magistrate. We could not meet this gentleman and make this charge in open court,



where he could have the opportunity to cross-examine us, but in this surreptitious manner we have secured the indictment. He has asserted that he is not guilty, and that puts us in the attitude of responsibility to meet him upon the trial of that issue. So, although he pleaded not guilty on June 1, 1894, the indictment thus found, from that day to this, almost two years, despite the repeated demands of this defendant, this accused, to be brought to trial, was never tried. That is the Record upon its face.”]

It is difficult for any person, not a member of Tammany Hall, to comprehend the depravity which exists in the police department of the City of New York. We clothe our officers with great power, and the corrupt ones abuse that power. We enact idiotic laws relating to adult prostitution which are of no value to us, but invaluable to them for blackmailing purposes. Under these circumstances is it surprising that these uniformed thieves, who had been baffled in their first attempt to rob me, should become solicitous as to the chastity of my tenants?

With this indictment for a club they now

had me in their clutches and could demonstrate to me the terror of my position, which they straightway did by having me arrested, not as they ordinarily would have arrested one charged with misdemeanor (as I was) but as a felon, or some treacherous desperado.

I quote from my lawyer's opening address: —["And what did they now do? What instrument of torture did they invoke? A prison cell. They want to reduce him to the ignominy of a jail. They think that will tame his pride. Their little police malignity suggests that to put Mr. Flagg in jail will be the way to teach him the horrors of his position; so in order to do that, Mr. Flagg, who gets his first notice of these things as they come on, finds that the bail upon these misdemeanors is fixed at seven thousand five hundred dollars each."]

And yet I was accused only of a misdemeanor. Does the reader know what a misdemeanor is? If any person opens a letter and throws the envelope on the sidewalk he commits a misdemeanor. If he smokes a cigar in a public conveyance he commits a misdemeanor. If he has a dispute and uses loud

language he commits a misdemeanor. Or if he happens to be a landlord, and has a tenant who is in the habit of singing too loudly, after ten p. m. (although he may know nothing of it at the time), he, as landlord, can be charged with a misdemeanor, for "maintaining a nuisance," and convicted; the extreme penalty for which is a fine of five hundred dollars or imprisonment for one year in the county jail, or both, in the discretion of the Court. This is what I was charged with and convicted of. The endorsement on the indictment upon which I was tried reads, "Guilty on second count for maintaining a nuisance"; and this is the only thing I ever was convicted of, exactly this and nothing more, as the Records prove.

And yet Officers Rohrig and McConville suddenly appeared in my private office, then located at No. 242 West Twenty-third street, and the first thing that I knew I was handcuffed to them and being marched through the streets, followed by a small army of people.

Did they shackle me with irons because they were fearful I might run away, or was it to

add to my abasement in furtherance of their threat that "I could take the consequences" for refusing to pay tribute to them?

No person who has not been subjected to such an ordeal can realize what it means to be dragged through the public streets handcuffed to officers of the law. One may read, guess, imagine, but he cannot understand all such a person suffers. The ignominy, odium and scandal of it all is enough to fill any self-respecting person with abhorrence. I respected myself, but was more determined than ever not to submit to their blackmailing demands. So, in a few days they had me indicted again, and again threw me into a cell; and again indicted me, and again and again. Five indictments—five counts in each—twenty-five "cooked up" complaints in all, with bail bonds running high into the thousands.

I quote the words of my lawyer when addressing the court:—"Captain Donohue borrowed officers to help his officers, from the inspection district, to be put under his direction; and he succeeded, on the 21st day of June, in getting another indictment against Flagg. What did they do with this indictment? Did

they ever move it for trial, or did they ever bring Mr. Flagg up to try him? Oh, no! that was not to be their method of procedure. But on the 18th day of September, following, they got another indictment. The same witnesses and the same offense. Now they have three indictments; one in May, one in June, and one in September. All secured by the same witnesses, and on the same bogus charges. Two days after the indictment of September 18th they caused two more indictments to be procured.

"This was the 20th of September, 1895.

"When were these alleged various offenses committed? There is the 21st of June indictment. Do you suppose they sent these witnesses before the Grand Jury for an offense committed on that day or at that time, the 21st of June? What did they accuse Flagg of at this time? Not with renting premises to be used for immoral purposes, but they charged him, on the 21st of June, with having done that on the 17th day of April. That was the June indictment. They waited until June to charge him with having done that on the 17th day of April.

"Now let us see the 18th of September indictment. On this day they charged him with

having done the same thing on the 23d day of August. Now let us see the two indictments on the 20th day of September. Why is the one not the other?

"On the 21st of June they charged him with doing this act on the 17th day of April. Now, on the 20th day of September, they go before the Grand Jury and charge him with this act on the 15th day of April. That is, in September, they have him indicted for this act which they now charge he committed two days before the date alleged in the indictment of the 21st of June.

"In the indictment which you are trying he is not charged with the commission of the act at the time that the indictment was found; but they charge him with doing the act alleged on the 22nd day of May.

"Mr. Flagg would neither be frightened, cajoled, nor driven to compromise, and therefore in order to reconcile the records against Flagg on the top of the June indictment they hastened up the other three, and so hurriedly did they proceed that they found two of them upon one day."]

Then it was that the evening newspapers



issued their EXTRAS and that the people "said things."

. . . "He must be innately wicked, a dangerous character. And only to think"—to repeat the words of Katharina—our old German nurse, who has lived in the family forty-eight years—"he was such a nice boy, so devout. My! My! had I not seen it with my own eyes, in the newspapers, I would not have believed it"; etc., etc.

And my every day acquaintances, some of whom forgot they were acquainted with me, also "said things." "We know how the papers can distort the truth; how they can make white appear black; how they can leave out, add to, and rip a man up the back, and blast his good name in a day; we know all this, but that is not the question; they are pounding him; can we afford to mix in? Can we afford to be seen in his company? If we meet him we will treat him with superficial politeness, but that will be all." And for years thereafter that was all.

Men strive to retain their social position, and it is only right that they should do so. I knew how they felt, and I felt a delicacy in intruding my presence upon them, and so, held aloof; not that I was embittered—I was not; I

know how inclined we all are to jump at conclusions, and how frequently we jump in the wrong direction.

Those who had turned their backs on me were ignorant of the facts; they had only heard one side, and that was not my side; and although I was anxious to have my side heard the police were equally anxious not to have it heard. I had pleaded "Not guilty" to the indictments, and this was equivalent to challenging them to come forward and confront me in a court of law.

Eight times I had appealed to the District Attorney, and had asked that I might be given an opportunity to vindicate my name.

I quote from my lawyer's summing up address:—

[“On May 25th, 1894, Flagg is indicted and the indictment is held over him. Flagg, according to the sworn testimony, and it was not refuted, comes to the door of this court eight times, to demand that he be tried.”

“Imagine yourself in some such position; you are indicted for an offense concerning which you maintain your innocence. The mere charge is an aspersion against your good name, and yet you are compelled to come to



the court where you are indicted and accused, and beg the officials connected with the administration of the law in that court, to do what? To put you on trial, and you cannot get a trial for nearly two years.”]

I had been accused of almost every crime on the calendar, and was regarded by many, who do not look below the surface of things, with suspicion. But this did not worry the police; and they were inflexible in their determination not to have my case go to trial. If there is any one thing in this wide world that will make a blackmailing policeman wince it is a jury. He recoils from a jury trial as the “Devil would from holy water”; knowing that his methods are not popular with the people, the thought of being cross-questioned is repugnant to him. Therefore the police decided to settle their differences with me out of court in their own way, and without invoking the aid of a jury.

A meeting to this effect was held in the private office of the St. James Hotel, at the time located on Broadway, corner of Twenty-sixth street.

I quote from my lawyer’s summing up address:—[“Richard S. Davenport, a discharged

janitor of Mr. Flagg's. The Davenport affidavit, made competent under the ruling of the court, in which Davenport says: 'I met Captain Donohue and Captain James K. Price by appointment at the private office in the St. James Hotel, January 15, 1895; and Donohue told me that if I would go to his lawyer and make affidavit that the houses, 225 and 227 West Eighteenth street, were disorderly, and that Jared Flagg was personally aware they were being used for such purposes, his lawyer would make it to my interest.' "]

Davenport was not averse to selling himself; and after allowing himself to be bought by the police they permitted him to remain with them while they discussed the situation with several detectives who were also present at this meeting.

A man, like a woman, who will sell himself to one will sell himself to another; and Davenport, after having sold himself to the police, came over to my side and offered to sell himself to me. He told me that Captain Price said:

"To keep on indicting and arresting Flagg is

equivalent to sticking pins in a rhinoceros; no visible effect discernible."

According to the consensus of opinion that portion of my anatomy designated by them as hide was too thick. And they finally resolved if I was ever to be brought to terms they must change their tactics, and they did. They changed them that very day—the day of the secret conclave which was held in the little back room, the little private office of the St. James Hotel, January 15, 1895.

## CHAPTER II.

PANDEMONIUM means Hell, and from that time on, January 15, 1895, pandemonium reigned supreme in the so-called "Flagg Flats."

In this chapter I shall have something to say about police "stool-pigeons," and that those unfamiliar with the term may know what kind of a bird a "stool-pigeon" is I will define him. This I can do without recourse to a dictionary.

A "stool-pigeon" is a "ward-heeler," a thug, a low down person who for a consideration will do any kind of "dirty work" to accommodate the police.

Immediately after this St. James Hotel meeting, gangs of these thugs were employed by the police to invade my vacant flats, and smash dishes, break mirrors, and rip up with sharp knives parlor furniture, cane-seated dining chairs, bed spreads, portieres, lace curtains, carpets, rugs, mattresses and pillows.

Also to throw tables, chairs, dressers, chiffoniers, pictures and ice boxes down the air shafts. But this was not all; water pipes were cut, floors flooded and ceilings ruined. Axes and hammers were used in demolishing the walls, the paper, the woodwork and enameled bath tubs. In my Sixteenth and Seventeenth street flat buildings, also at 225 and 227 West Eighteenth street, and 109 and 111 West Thirty-third street, access to the toilets could be had from the main halls; and eighty of these expensive china bowls were broken with hammers and put out of commission in one night.

Up town, down town, on the East Side and on the West Side, locks were broken, doors pried open, and furniture and ornaments which had cost me thousands of dollars to buy, were stolen or destroyed by these loafers, who worked under the direction, and protection, and in the presence of our uniformed "guardians of the peace" (?).

It is difficult for the unsophisticated to realize how such things can happen in a civilized country, but according to the New York daily papers of April 5th, 1910, it is still going on.

[The first and second editions of this book were printed in 1909, the third edition in 1910.]

April 5th, 1910, the New York *World* published the following:—"The Mayor [meaning Mayor Wm. J. Gaynor] then proceeded to 109 Mulberry Street, and entered the rooms on the second floor where he found all the furniture smashed and even the bottoms of the chairs torn out. The officer told the Mayor that every thing had been destroyed during the recent police raid."

This kind of work, coupled with the "third degree," is what the police call demonstrating the majesty of the law.

Once after several of my prettiest flats had been wrecked, I was, without a complaint having been made, or a warrant issued, taken by Detective McConville to the West Twentieth street police station house, and escorted one flight up to Captain Donohue's private bedroom. The Captain was waiting for me and after dismissing McConville, and closing the door, requested me to take a seat. For a few moments he eyed me quizzically and then, referring to my wrecked flats, asked how I liked it.

My reply to this question, although printable, will detract nothing from the narrative if omitted. Suffice it to say no compromise was

effected and the reign of terror therefore continued. Every building I had, in every part of the city, was infested not only with "stool-pigeons" but by officers in citizen's attire, "fly-cops," as they are called, with orders to "bulldoze" the old tenants out and prevent new ones from entering. In vain I appealed to the different heads of the "Department" for relief; for honest, not dishonest, police protection. Officers high in authority would promise to act vigorously, but it was mostly talk; even when the "sleuths" were called off, it would not be for long, and in a few weeks back they would be at their same old vicious tricks.

Hundreds of my tenants vacated and the most desirable were the first to leave. Naturally this exodus impaired my income; with large payments to make and larger ones coming due, I was in dire straits.

I quote the words of my lawyer in summing up:—"Flagg's tenants are not only harassed by police 'stool-pigeons,' but by Police Detectives McConville, Rohrig, Cohn, Zimmerman, and several others whose names I cannot at the moment recall, but who have, according to their own testimony, infested his premises



for months.]” The licensed thieves, the “stool-pigeons,” carried skeleton keys and could open almost any door in the “twinkling of an eye.” They would not only go from one vacant flat to another, and plunder and steal small articles, but would occasionally back up a truck and cart a load of furniture away in a night.

Once when John Dowd, a night watchman employed by me, caught four “stool-pigeons” in the act of loading a truck and threatened to shoot them on the spot if they did not replace the furniture in the flat from which it was being removed, two “plain-clothes men” (police-men in citizen’s attire) sneaked up from behind and seized and overpowered him, and, with the aid of their friends, the thieves who were about to make away with my furniture, clubbed him almost to a pulp; his head and one of his arms were frightfully cut, and he was literally covered with blood. On the West Twentieth street police station house blotter, opposite his name, are written the words, “Resisted arrest.”

When the police murder an innocent man these are the two words that let them “down and out.” The law accords to them the privi-



lege of killing any person who resists arrest, and they assume the privilege of accusing any person of this offense whom they accidentally or on purpose kill.

John Dowd did not die that night, but I was informed he died shortly thereafter.

Skeleton keys were also used by the police and the "stool-pigeons," when in the small hours of the night they would enter my unoccupied flats with their prostitutes. It was nothing unusual on arriving at my office in the morning to be informed that in such-and-such a building, and in such-and-such a flat, drunken policemen had caroused half the night with women whom they had brought in from the street.

On one occasion while passing from room to room, in showing what I supposed was an unoccupied flat to a prospective tenant, she (the prospective tenant) suddenly "let out" a most unearthly scream, and dashed out of the building shouting "Police! Police!" at the top of her voice. There was no necessity for calling an officer, as there was already one in the flat and in bed.

At another time (also in broad daylight) two policemen and a young woman slipped in

through the basement door of my flat building, No. 123 West Fifty-sixth street, and, although they ran into the arms of my janitress, they brushed her aside and deliberately took possession of a rear flat on the ground floor. Immediately upon receiving this information I communicated with Police Headquarters, and a special officer was detailed to make an investigation. Together we hurried to the flat and there they were "big as life," with their helmets off, making themselves comfortable, in my most comfortable upholstered chairs, and "loading up" with whisky. They were not, however, so heavily "loaded" as to be incapable of recognizing their brother officer, the "investigator"; and, without standing on ceremony, offered him the bottle. Had he refused I might have been surprised; but was there ever a case on record where a police officer, behind a closed door, declined to accept a drink? He simply smacked his lips, closed his eyes, and remarked that it was "hot stuff." So what was the use of complaining? First there were two, now there were three; and had I complained again there might have been four officers drinking in my flat.

The police stand together; they are obliged

to do so for self-protection. What one says the others will swear to; and any citizen who undertakes to fight them will have a job. Were I going all through it again I would know better. Law or no law, I would not oppose them but would, without a murmur, throw up my hands and let them rob me. The law says it is as much of a crime to give a bribe as to accept one, yet if waylaid by a highwayman a citizen violates no law if he deems it the part of discretion to part with his pocket book rather than his life, so why make him amenable to the law if he deems it the part of discretion to part with his money rather than his good name? Had I ignored the law and parted with my money, or even a part of it, I would not have parted with my good name.

When a person knows, in his own heart and soul, that he has done the right thing, he respects himself and may say to himself that he cares nothing for the sneers of those who condemn him without investigating, but he DOES care.

When a person knows, in his own heart and soul, that he is the only one who respects himself, it is poor consolation. And when I look around and try to discover the whereabouts of

some one of the few who may respect me, and when I think of all the "mud" which has been thrown at me, and realize how difficult the "going" is in this mud—to say nothing of how it has annoyed and bespattered those near to me, I am frank to admit that were I to live this portion of my life over I would think a long time before sacrificing wealth, position and the esteem of my fellow-beings upon the altar of principle.

A good name once gone is generally gone forever. This talk of "living it down" is often a delusion and a snare. We are too busy, have too many business and social functions to perform, and too many troubles of our own to waste time in investigating the troubles of another. Yet if another is being maligned, somehow or other we all manage to find time to listen; and as we are all more prone to believe evil of one than good, many believe evil of me. They do not know, but they believe. When "pinned down" and asked why they believe, they can advance no palpable reason; but they can talk, and this is how they talk: "Flagg? What Flagg—Jared? Oh! excuse me. He never wronged me—no, not me nor any person with whom I am ac-

quainted; but I have heard so much; you know how people talk; and I have read so much—no, I cannot recall just what; but have often seen his name in print, and I know years ago he had trouble with the police.”

A police officer inspires the average New York citizen with veneration. In the eyes of many he is more than man, superhuman, and to be approached on hands and knees. Therefore in the opinion of the masses any person who has incurred his wrath, should be forever damned.

All policemen are not, however, devoid of honor. It would be strange if out of such a large body of men some honest ones could not be found. But this does not alter the fact that many violate their oath of office for personal gain. Having men of this stamp with whom to contend, the question may arise why I remained in the flat business. Why did I not sell out and be forever rid of the whole sickening mess? But I could not sell; to sell meant ruination; I was in too deeply, and could not turn back. My only hope was to go ahead. A person who has saved a few thousand dollars thinks as much of it and strives as hard not to lose it as the person who has accumulated many thousand. It's his all, and

my all was invested in furniture and flat property, so heavily encumbered, however, that to force a sale would result in losing all. This was my position, and the police appreciating the dilemma in which I was placed redoubled their efforts; and, to still further hamper me, warned every owner of every building in which I had a flat furnished to dispossess me, under penalty of arrest. There were about one hundred of these odd flats, not owned by me but leased and furnished by me, and every landlord I had, with the exception of Mr. Reeder, dispossessed me.

These were squally times, and it seemed now as if it would only be a question of time before my own bed would be placed on the sidewalk. And, yet, in justice to my fellow beings, I must confess that there never was a time, not even when things looked their darkest, not even when it seemed as if the whole world was going to turn against me, there never was a time that some one—a woman, a man, or some one—did not come forward, did not take me by the hand and display traits so noble that I could not, and did not, even for one moment, lose confidence in mankind.

Mr. Reeder took me by the hand and said: "I shall not dispossess you."



Gilbert Totten Reeder stands high in the community. He is a man of integrity; this is his reputation, and he values it, but rather than do a dishonorable act, rather than sacrifice his honor, he would part with his good reputation.

And he told Captain Pickett, of the West Thirtieth street police station house to go ahead and arrest. "Arrest us both," he said. But Pickett thought better of it. If he locked Mr. Reeder up it might lead to complications, and so he failed to make good his bluff. But other police captains bulldozed other landlords. They also threatened and warned every janitor I had, every clerk I had, and every mechanic I had, under penalty of being sent to the "Island," to quit my employ. They quit—all quit—with the exception of two rent collectors, James Irby and William Young, both of whom had been in my employ five years. Both said they would stand by me until the "last gun was fired"; but after James had passed one night in a cell in the West Twentieth street station house, and incidentally had been clubbed almost to death, he changed his mind. And William, who was an educated mulatto boy, may or may not have changed his mind, but, at all events, he vanished that same night. We



have our ideas as to what happened to him, but have no evidence. Twelve years have passed, and I am told by his wife that she has not seen or heard from him, nor have I.

Every person in any manner connected with my office, or buildings, was arrested, or threatened with arrest, and as for myself, I had been arrested so many times I was beginning to get accustomed to it. Once, in writing to my father, I expressed the opinion that the worst was over, as I had not been arrested for four days. But I was mistaken, the worst was to come.

It has been said that "revenge is sweet," but it is sometimes sour. If happiness consists in making others happy, inversely, misery consists in making others miserable. The spirit of retaliation, this desire to get even, not only redounds to the detriment of the malicious person, but in ninety-nine cases out of a hundred draws him still deeper into the mire. I wanted satisfaction; I wanted my name vindicated; I wanted the facts to be known; I was not like the Judge who said to the Senator, "Let them talk; let them publish all the terrible things they can think of; let them lie all they want to about us, but for God's sake don't let them tell

the truth." I wanted the truth to be known. The fact that the indictments against me had been "pigeon-holed" was galling. Thousands of estimable persons who meant well, but who, nevertheless, were a little misty in matters relating to law and who regarded a charge, if made by the police against a person, in the same light as they would a conviction, felt it obligatory (that is, a duty they owed society) to repeat to others the false statements they had heard about me.

Under such circumstances is it surprising that I felt sorry for myself? Had I been a big man, mentally, I might not have cared; but unfortunately we are not all big men and we little fellows, when we imagine it is being "rubbed in" too hard, are apt to become more or less spiteful.

A man who has the power and yet refrains from injuring those who have injured him is a great man—worthy the esteem of all men. We all, little and big, good and bad, prefer the esteem of our fellow-men. I was no exception to the rule; and, now, in the calm of more mature years, as I review the past, I regret I did not curb my temper and display more manliness. But at the time, when the tension of my

reason was relaxed, then the low, the brute, the animal instinct, itching to get at them, was in me. They—the police—would not voluntarily “come out in the open,” come into an open court of law and fight, so I proposed to drag them out.

If two or three police captains, and a few police detectives, without cause, could have me indicted and ruined, I felt that with cause I could have them indicted and “broke.” And while “boiling over” with this spirit of revenge, I communicated with the foreman of the Grand Jury, and asked permission to appear before that honorable body.

A prisoner calls his lawyer his “mouth-piece.” At the time I was a prisoner out on bail and wanted to take my “mouth-piece” into the Grand Jury room with me, but they, the jurors, would not stand for it. If I had anything to say I could go in alone and say it, otherwise remain out.

No person, unless he enjoys hearing himself talk, relishes the idea of standing up in front of twenty-five Grand Jurymen and entertaining them for an hour or so; but as it was the only way I could wreak vengeance on my enemies

I "braced up" and went in "single handed and alone."

The foreman requested me to be as brief as possible, as it was past closing hour, and they were about to adjourn for the day. This, in itself, had a tendency to disconcert me, and what would I not at that moment have given for a lawyer? One familiar with the "ropes" and not afraid to set up a good, "stiff kick," whether his rights were being trespassed upon or not!

Mine was too long a tale, fraught with too many wrongs to skim over in a hurry, and I asked if I could not appear before them at the opening of their session, the following morning. "No," I was to say what I had to say then or not at all.

In the Grand Jury room the twenty-five jurors were seated at a long, narrow table, and I had been told to take a seat at the far end of the table; but I now stood up and without any "beating about the bush" proceeded to tell my story. Five minutes—ten minutes—and I kept on talking, but they seemed to be paying little attention to me; most of them were examining documents and whispering to each other. A few were gazing at the ceiling. One had his

watch on the table before him, and kept his eye riveted on it. Everything about the place was cold and formal, and for all the progress I was making it seemed as if I might as well be talking to so many marble statues. Their faces were mostly blank; those with expression wore a bored expression. Talking under such circumstances is depressing; yet I knew I had something to say, and was saying it. Step by step I was unfolding my long list of tribulations. Presently two jurors up at the other end of the table appeared interested, at least were looking at me, so I directed my statements to them. Then a man near my end of the long table excused himself for interrupting, but requested that I repeat a statement just made. I did so, and this little occurrence put me more at my ease, and when the foreman asked me to speak louder it was with ease that I accommodated him. By degrees others became interested and I talked to them also. At last the man with the watch put it in his pocket. This was encouraging, and I commenced to "warm up" to my subject; and when he turned in his chair and placed his hand to his ear, and leaned forward, I took pains that he not only heard every word I uttered but appreciated its

full force and meaning. I told him, and I told them how in five years I had built up a large business, and how careful I had been to safeguard it; how watchful, how anxious I had been to hold my tenants and give them satisfaction; how disastrous it would be to my interests if I permitted disorderly persons to gain access to my flats. I told him and I told them how the captains of the different precincts in which my buildings were located, on the East Side and the West Side of the city, had, despite the good character of my tenants, pre-determined to levy blackmail on me; how they with one accord had met and decided to force me to pay to each a stipulated sum, ranging from one hundred to three hundred dollars per month, according to the number of buildings owned or leased by me, in their respective precincts. I told him and I told them how these public officials had approached me; how they had each prepared a long statement, a carefully figured memorandum, giving the rent derived from each furnished flat, and the estimated profit to me per week and per month; and how they had told me that in my case they proposed to be liberal, and were going to permit me to retain half of my own money, half of my own



profits. In other words, in consideration of supplying all the capital, and doing all the work, I could keep each month for myself half of what I made, provided I, in consideration of not being molested by them, passed over to them, in bills, not checks, the other half. I told him and I told them how I had spurned this offer; how I had declined to be a party to any such underhanded proceeding; how they had given me two days in which to consider the matter, and how on the third day I had been arrested by Officer Barnard McConville and his "side partner." I also told him, and I told them, how I had subsequently called on Dr. Parkhurst and how he had appointed Arthur F. Dennett, Superintendent of the Society for the Prevention of Crime, to personally make an investigation, and how Mr. Dennett had personally called on all my tenants, and of the report he submitted to Dr. Parkhurst, and that said report was so satisfactory to the latter that he called on me at my office, and offered me his support. I told him and I told them how I had called on Mr. Roosevelt, who at that time was President of the Police Board of New York City, and how he had appointed Detective Sergeant Mason (one



of the few members of the force in whom he had confidence) to make an investigation of my flats; and how, after reading Mason's report, he (Roosevelt) also had volunteered to stand back of me, and do everything in his power to stop the further persecution of me by the police. I told him and I told them of my interview with Recorder Goff, and how he had advised me to "go over the head of District Attorney Fellows, and ask permission to appear before the Grand Jury." I told him and I told them all this, and more, and they listened, listened attentively; there was no longer any whispering, any reading of legal documents; no longer any looking at the ceiling. Every man in that room was looking straight at me, and I could feel that they were "with me"; that they believed me; that they knew I was speaking the truth; and after having detained them long past their closing hour, I thanked them for the courtesy extended to me and retired.

On my word, which was corroborated in every particular by trustworthy witnesses, this Grand Jury, which was in charge of Assistant District Attorney Lindsay, and of which Francis H. Leggett, the wholesale groceryman, was foreman, indicted Police Captain J.

J. Donohue and Police Captain James K. Price and Police Detective Henry W. Schill.

I wanted revenge and I got it; furthermore, got all the trimmings that go with it; but to say I was "trimmed" would not adequately express what they did to me.

When we get what we want, we sometimes discover that it is not what we wanted after all.

As previously stated, the worst was to come, and it came immediately after these officers (owing to the indictments) had been suspended from the police department. Up to this time I had had a few captains and a score or two of detectives arrayed against me; but now, almost a battalion, headed by McConville and Acting Captain Lynch, who succeeded Captain Donohue, were lined up against me, and without a semblance of legal evidence, swooped down on my flats like an avalanche, broke open doors, and cleaned out every one.

"Impossible, preposterous, it could not be done—it would be illegal—the police would not dare to smash in doors and raid flats without lawful evidence."

When I hear expressions of this kind, made

by the uninitiated, I think of the lawyer who told his client that it could not be done, that it would be unlawful, that they could not lock him up. "Yes," said his client, speaking from behind the bars, "but, I am *here*." And it was the same with my tenants—they were *there*—behind the bars.

In every precinct in which my flats were located my tenants were illegally raided and locked up. Honest, hard working young women, employed in our department stores, and living in my tenement flats, were carried off to jail by the dozen in patrol wagons, solely for the purpose of enabling the police to illegally make out a seemingly legal case against me—one that might result in a conviction.

To substantiate this assertion I could publish a portfolio full of affidavits, but one will suffice:

City and County of the State of New York—  
Louise Fink, being duly sworn, deposes and says that on or about the 8th day of October, 1894, in the East Thirty-fifth Street Station-house, at about 7:30 o'clock in the evening of such day, she heard the Captain of Police in charge of such precinct make use of and say the following words, or words to the effect, to certain prisoners in the said station-house, bearing the names of Addie

Smith, Josephine Merritt and Lizzie Gregory, to wit:—"There is no occasion to carry on and cry so, girls, for if you set up no defense and plead guilty, and swear Flagg knew you were using his flats for immoral purposes, we will let you down light to-morrow morning at Special Sessions. It is not you that we want to get the dead wood on, but Flagg."

LOUISE FINK.

Sworn to before me on this, 12th day of  
October, 1894.

GEORGE W. MINER,  
Commissioner of Deeds.

Maggie Smith and Anna Chapman, two young women, employed in Hearn's Fourteenth street dry goods store, who were also in the station house at the same time, swore to the same fact before the same notary.

The police not only made these unlawful raids, blighting the lives of honest working girls, but raided the occupants of flats over which I had *absolutely* no control.

When a landlord dispossesses a tenant he is compelled, by law, to employ a city marshal to serve the papers. The tenant is allowed three days in which to answer. He must then vacate or appear in a District Court and show cause why he should not be evicted. If he sets up any kind of excuse, the Judge, whose

sympathy is naturally with the tenant, extends the time a few days, more or less as the case may be. It is not the landlord, but the Judge who has the naming of the day and hour, on or before which the tenant must move out. Until the time, named by the Judge, expires, the landlord's hands, figuratively speaking, are tied; and, if a law-abiding citizen, he will obey the mandate of the law. I am a law-abiding citizen and to exemplify how the police and the District Attorney tried to take advantage of this fact, it is only necessary to quote from the Court Records:—By the District Attorney:—[“Did Captain Lynch warn you that the building, 225 West 18th Street, was being used for disorderly purposes?”

Flagg:—“Yes.”

District Attorney:—“Did he on May 29th, 1895, notify you, in writing, to abate the nuisance?”

Flagg:—“Yes. And the next day, May 30th, 1895, I notified him in writing that I had instructed City Marshal James M. Gano to dispossess my tenants, although far from being satisfied that they were, in reality, using their flats for immoral purposes.”

District Attorney:—“When you heard them

plead guilty, after they were raided, were you satisfied?"

Flagg:—"No."

District Attorney:—"No?"

Flagg:—"No."

District Attorney:—"Well, tell us, Mr. Flagg, how many of your tenants were raided during June, 1895, and how many pleaded guilty and were fined?"

Flagg (to Judge):—"May I explain under what conditions these raids were made?"

District Attorney:—"I object."

Judge:—"Objection sustained."

Flagg (to the Jury):—"Do you want to get at the truth of this matter?"

District Attorney:—"I move, your Honor, to have that remark stricken from the records."

Judge (to Court Stenographer):—"Strike it out."

District Attorney:—"Answer my question."

Judge:—"Answer the question."

Flagg:—"What question?"

Court Stenographer (reads question):—"How many of your tenants were raided during June, 1895, and how many pleaded guilty and were fined?"

Flagg:—"McConville told them, they say,

that if they would plead guilty and pay a ten dollar fine they would be discharged."

District Attorney:—"I move, your Honor, to have that crossed from the records."

A Juryman:—"I would like to have the facts."

Flagg (to Judge):—"May I give the facts to the jury?"

District Attorney:—"I object."

Flagg:—"Naturally, you object."

Judge (to Flagg):—"Any more of this and I shall fine you for contempt."

Flagg (to Jury):—"City Marshal Gano"—

District Attorney:—"I object! Object!!"

Judge:—"Objection overruled."

Flagg (to Jury):—"City Marshal Gano notified Captain Lynch, June 3d, 1895, that he had, at my request, served dispossess papers on eight tenants living in the building 225 West 18th Street, and that Judge Joseph H. Steiner of the Eighth District Court, had given them, the tenants, until June 10th, 1895, in which to vacate. They were therefore no longer under my jurisdiction. While still occupying my flats I had no legal right to put them out. And Captain Lynch of the Sixteenth Precinct knew



it, even knew that I was to receive no rent, from these tenants, during *this* time, and yet, during *this* extension of time, June 3d to June 10th, 1895, granted by Judge Steiner, he, Lynch, swooped down on these tenants, who in reality and legally were no longer tenants of mine, and raided them and arrested me. The tenants told me that McConville told them if they would plead guilty and swear I knew they were using my flats for disorderly purposes, and pay a fine of ten dollars, they would be discharged. Three did so plead, and did so swear, and were immediately discharged in the Jefferson Market Police Court. The remaining five refused to commit perjury and were held in jail four days, and then, honorably discharged as there was no incriminating evidence against them. I also was discharged in the Special Sessions Court.”]

This is probably the only case on record where three inmates of an alleged disorderly house were sentenced to pay a fine, because they could be coerced into swearing falsely, and the keeper of the same alleged disorderly house, on identically the same evidence, honorably discharged because he could not be coerced into swearing falsely.

No threat of imprisonment, no cell, or

promise of immunity could make me acknowledge that I was guilty when I knew I was not guilty. But, it was to be expected, out of the great number of illegally raided flats in different parts of the city, that some of the occupants, some of the frightened young women would, when incarcerated in damp station house cells reeking with vermin, swear to anything to regain their freedom.

[Station house cells are filthy compared to prison cells.]

The police probably expected that all the young women would commit perjury rather than be confined in these filthy cells, and this is why they illegally arrested them all. But, there is no going back of the facts; and the facts show that while some of these young women were not imprisoned and were discharged, after paying a ten dollar fine, because they followed the advice which they say McConville gave to them, and committed perjury by pleading guilty when they were not guilty, others, on the same evidence, after being held several days, were honorably discharged. And why, without an atom of incriminating evidence against them, were these honest young women held? It was because the police ex-

pected that any day some one or all of them might relent and, to gain freedom, be willing to commit perjury, willing to swear that they had used my flats for immoral purposes when they had not. If they could be coerced into so swearing the District Attorney could then, when my case came on for trial, say to my jury—"Look, see this long list of self-confessed prostitutes whom we have raided and who were living in Flagg's flats." This is just what the District Attorney did say to my jury, but the list was not as long as he would have preferred.

Before and during and after my trial the animus displayed by Assistant District Attorney Bartow S. Weeks, my ex-clerk, and Barney McConville, the ex-truck driver, was almost beyond belief.

I shall never forget a certain afternoon when I was walking to the West 20th street station house with McConville on one side of me and Rohrig on the other. Both men were taller and more powerfully built than I. My right wrist was chained to Rohrig, my left to McConville, and I was powerless to smash McConville in the jaw. He knew it, and as we were turning the corner of 18th Street and

Seventh Avenue, he said to me:—"I wish to God I was now leading you to the chair and that I was to be the one to touch the button and send you to Hell," accompanying this remark with an unprintable oath.

Officer Rohrig heard him say it—heard the oath—but Rohrig is a man who relies on his memory, which is defective. And yet I noticed, when he was testifying under oath, he never forgot to forget the things that he did not wish to remember.

Shortly after my trial, Barney McConville, who is still a member of the "Finest," was promoted. The newspapers, when eulogizing him at the time, said he was raised to the rank of a central office detective owing to his effective work in the "Flagg case." He did work pretty hard. No matter in what part of the city a flat of mine might be illegally raided, it was McConville's function to lead me to the West 20th street station house, and he was right on the job. I was usually arrested, shortly after breakfast and then again in the afternoon and occasionally in the evening. First I was in, then out, and in again, and it was difficult to attend to business. Bankruptcy stared me in the face. My build-

ings were vacant; and with no income, with one mortgage after another being foreclosed, with one piece of property after another being taken from me, with my office demoralized, and my bank account attached, it commenced to dawn on me that revenge was not what it was "cracked up to be."

The situation was simply this: the police, who had failed in their attempts to extort money, had had me indicted, and I, who had failed in my attempts to force my case to an issue, had had them indicted. Now in order that they might be reinstated, put back on the force, it was necessary for them to have me convicted. If convicted the District Attorney could then move to have the indictments against them dismissed on the ground that I was unworthy of belief, and they would forthwith be reinstated. It was for this reason that they were so eager to work up a case against me. I quote the words of my lawyer when addressing the jury: "It was stated, admitted in open court, by District Attorney Fellows himself, that this prosecution held the balance for Police Captains Price and Donohue, and that other members of the force are also in danger; that the charges against them might

be multiplied; that Captain Price is awaiting the fate of the indictment against him; that the police have been so informed in this court house, and by the District Attorney of this County in person, at the Bar of the Court of Oyer and Terminer, that upon the outcome of this prosecution against Jared Flagg depends the fate of these police captains and detectives, and whether they shall be tried or not.

“So you see what terrible influence is at work from this police center to induce you to convict this defendant, operating upon the minds of these officers to incite them to effect this object.”]

Realizing the unfair, the foul means adopted by the police to beslime my reputation in order to save their own, I felt that if their illicit acts could be ventilated in a public court of law it would go a long way towards helping me to vindicate my name. The public at large do not believe in “striking a man below the belt.” If there is to be a fight, the public at large want to see a fair fight. Figuratively, I had been knocked down by a foul blow, and I wanted to stand up. Our greatest glory is not in never fall-



ing, but in rising every time we fall; and I wanted to rise and fight for my rights. But there were others who cared nothing for my rights, who were only interested in themselves, and whose only desire was to see the matter "hushed up." They felt that there had already been too much publicity. "Never mind about your name, let it be forgotten; never mind about the vindication; never mind what the public may think of *you*, we stand high in its estimation, and we cannot afford to have your case go to trial owing to the stigma which will attach itself to a case of this character whether you are innocent or guilty." This is what certain relatives of mine said; but it is a consolation to know that they were not near relatives; not brothers, or sisters, or parents.

Late one afternoon, one of these relatives called. He found me alone in my bedroom; I had no office; I was a bankrupt; and the following conversation took place: "Judging from your environments I should imagine you were a little pressed for ready cash."

"I am."

"The only time money will do you any good is when you haven't got any. You make



money, but what do you do with it? You are not a drinking man. Do you gamble it all away?" he asked.

"Never lost a dollar in my life gambling."

"But you have lost everything?"

"Everything," I said.

"Even your reputation?"

"Yes, but no person can lose his reputation without gaining another," I added.

"Very true; and you have gained the other; a beautiful reputation, I must say. You have disgraced the family; look at your brothers and sisters; see the position they hold in society; I should think you would want to hang your head in shame and sink into oblivion, yet I see by the papers that you contemplate shortly airing yourself in a public court of law. When does your case come up for trial?"

"It is now on the Day Calendar and liable to be reached at any time," I remarked.

"You know best, but if I were in your position I know what I would do."

"What?" I asked.

"Quietly pack my trunk and cross the pond."

"If it would cramp you financially to cross

the river—to Hoboken—how could you cross the ocean?” I inquired.

“Don’t let that worry you; you will be supplied with funds, more than enough to keep you going for several years to come; I will arrange all that.”

“What! You advise me to run away, leave the country?”

“This is not the only country in the world,” he said.

“But it is my only country, and you advise me, an innocent man, to leave it forever?”

“It might be best,” he thought.

“Best! How best? Are you aware that I have committed no crime—have done absolutely nothing wrong? I am charged with having committed a misdemeanor; but a misdemeanor is not a felony; and even if I should be convicted—though innocent—I would still be as much of a citizen of these United States as you.”

“That’s not the question,” interposed my relative, “we do not say you are guilty, but it is the disgraceful newspaper notoriety that we dread; and you know how it will be if your case is allowed to go to trial.”

“But I will be acquitted—vindicated.”

"That makes no difference. The papers will talk, and all this notoriety is offensive to the family; we have a name to preserve."

"Yes," I said, "but have I no right to defend myself? How about my name?"

"It will be forgotten. If you go away it will all die out; people forget; and the family will not be subjected to this everlasting newspaper scandal."

"And to end it all you would have me become a fugitive from justice, a criminal in reality?"

"I do not say that," he said.

"But that is what it means," said I. "It means that you would have me become an exile; would have me leave my native country and go to some foreign land, NEVER to return, isolated, banished from home for life, from kindred, friends and all that I hold dear. It means that you would have me leave them all, violate my oath, break my word, forfeit my bail bond and go."

"Your bondsman is a rich man; he would not care."

"Not care! and on my bond for seven thousand five hundred dollars?"

"It's only a bagatelle to him," my relative remarked.

"But he is a friend, a real friend, he is trusting me, he has confidence in me; and you would ask me to shatter that confidence, to betray that friendship, and quietly abscond, run away, sneak away? Oh! no—not I! NEVER! Not if I were to be electrocuted. You do not know me; I am not one of that kind. When my case comes up, when the Clerk of the Court calls out, 'Jared Flagg to the Bar,' you will see me *there*. I will face the music, and if the case goes against me I shall take my medicine like a man. There's the door—Good-day."

### CHAPTER III.

IN 1895-6 Colonel John R. Fellows was District Attorney of the City of New York, and it just so happened at this particular time that he had an assistant named Weeks—Bartow S. Weeks—who had formerly been employed by me as a bookkeeper, but whom I discharged. I quote from the Court Record:—[Weeks: “Mr. Flagg, during what years were you engaged in the wholesale provision business?” Flagg: “You ought to know, you were my bookkeeper until I discharged you for incompetency.”]

This young man Weeks, it appears, entertained a secret grudge against me; he also entertained a desire to make a record for himself as a prosecuting attorney, and by some hook or crook when he discovered that the “pigeon-holed indictments” were to be resurrected and placed on the calendar, he induced the District Attorney to deputize him to aid in working up the case against me. In justice to

Weeks it can be truthfully said he aided. He worked against me as he had never worked for me, and with all the venom, hate and malice of a disgruntled and discharged employé, racked his brain in formulating the indictments which were secured against me by false swearing, perjury and lies.

When Judge Newberger, before whom my case was being tried, discovered that Weeks had formerly been a clerk of mine, he excluded him from the case. But prior to the time my case was brought into court, all during the shameful destruction of my furniture, Weeks was the most accommodating ally the police had in the District Attorney's office. Time and again I endeavored to explain to the District Attorney the cause of Weeks' animus, but it did no good. Colonel John R. Fellows is now dead, and as it is against my principles to attack a dead man I shall not explain why it did no good.

The offense charged against me was a misdemeanor, not a felony, and there is a difference between the two. A felon, a person convicted of a crime, loses his citizenship, his right to vote; but a person convicted of a misdemeanor, a petty offense, does not lose his citizenship or right to vote. He is not a crim-

inal. I was, and always have been, a citizen of the United States. No person living or dead ever justly accused me of committing a crime. Why, then, when charged with an offense which was not a crime, should thousands of dollars be filched from the people? It is said that my trial, which lasted almost ten days and nights (evening sessions were held), cost the taxpayers of this city a small fortune; and yet it was not the people's trial; the people made no complaint; the public or my neighbors had nothing against me or my tenants. It was not the *People vs. Jared Flagg*, but the *Blackmailing Police vs. Jared Flagg*; and it was the police that squandered the people's money. The police, when it comes to spending other people's money for their own protection, are not noted for being coy.

When a person of wealth is accused of some crime or offense, and escapes punishment, we attribute it to his money; but in my case the money was on the other side, and it was unlimited. Everything in any way tending to militate against me, the police possessed. They pulled "every wire," controlled every wheel of the vast machinery; and, what is more, worked them all for all they were worth.

When Theodore Roosevelt heard of the



underhanded tactics of the police, he was incensed beyond measure. The records of the Police Board of August 9, 1895, show that he publicly declared, at a meeting of the said Board, that I was being most unjustly persecuted, and that he proposed to have it stopped; and it was no fault of his that it did not stop. He worked long and hard and did all in his power to see that justice should be done, but what can one man outside of "Tammany" accomplish against an army entrenched in the Fourteenth street Wigwam?

In this connection I insert a copy of a letter sent to Mr. Roosevelt by Arthur F. Dennett, Superintendent of the Society for the Prevention of Crime.

### SOCIETY FOR THE PREVENTION OF CRIME.

Incorporated 1878.  
No. 105 East 22d Street.

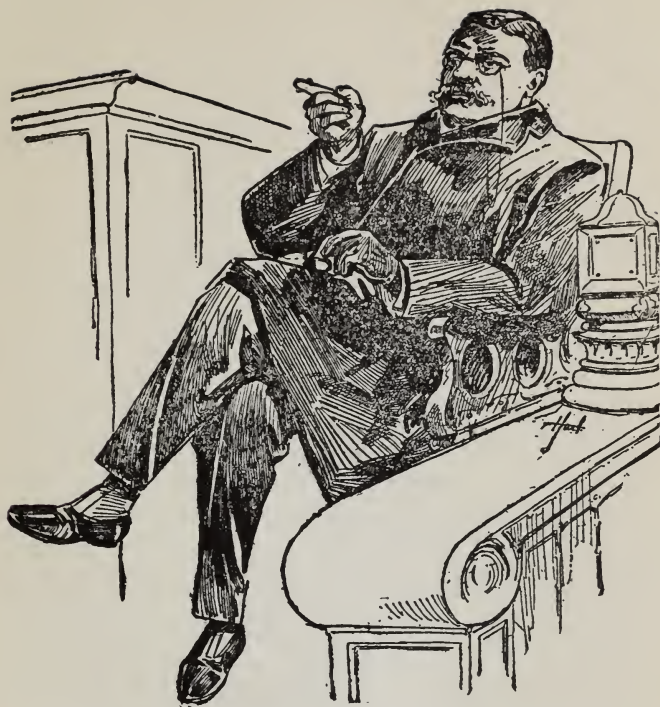
#### OFFICERS

C. H. Parkhurst, President.	Thaddeus D. Kenneson, Secretary.
Henry M. MacCracken, Vice-President.	Edward A. Newell, Treasurer.
William H. Arnoux, Vice-President.	Frank Moss, Counsel.
Arthur F. Dennett, Superintendent.	

NEW YORK, August 12, 1895.

Theodore Roosevelt, Esq.,  
Police Commissioner,  
300 Mulberry St., New York.

*Dear Sir:*—I notice by the papers that you are going to give Jared Flagg a hearing. I



**THEODORE ROOSEVELT**

(Now President of the United States)

Testifying to the injustice of the charges brought  
against JARED FLAGG.

*[A reprint from the New York World of Feb. 26, 1896.]*



am glad that you take that position as I think you are right, and I am sure that if Mr. Flagg is given a hearing he will be able to back up all his statements. While I do not regard him as a saint by any means, yet I feel sure that he has been persecuted very much by the police since he went before the Extraordinary Grand Jury, and they have tried to retaliate on him by driving him out of business and intimidating his tenants.

Yours truly,  
ARTHUR F. DENNETT."

Reverend Doctor C. H. Parkhurst was also incensed, and when the facts were placed before him he almost forgot for the moment his religious proclivities and came within an ace of using pretty strong language.

Ordinarily such a case, a mere misdemeanor, could have been disposed of in ten minutes; but there was more to my case than appeared on its surface. The bad name of the police department was at stake. If a police officer considered it wise to pay a cash bonus of fifteen thousand dollars to be made a captain, and in 1895 this was the market price, the amount demanded for the privilege of black-

mailing people in his precinct; what was to become of him if suspended? Where did his fifteen thousand come in? Who was to make good? What would happen if this kind of thing continued? These were momentous questions. No wonder they were interested; no wonder that during the long days of my trial the police packed the court room to the doors.

In all the history of New York; in all the history of the police department of New York; I was the first, the first citizen, to have two police captains indicted and suspended from the force. I had, according to their code of ethics, set a bad precedent. I had given testimony and the Grand Jury had believed me. It was now up to them—the police—to impeach my testimony; not only that Donohue and Price might be reinstated, but that the dishonor and bad name of the “department” might be upheld; in plain English, that they might be able to bulldoze, swindle, and rob the people in the future as they had in the past. With this end in view practically all the police detectives of the city turned out to assist the District Attorney, and they managed to “roundup” quite an array of “street-walkers”

and "stool-pigeons," all of whom were eager to curry favor with the police by testifying according to instructions. To gaze on this throng; to see the court room packed with officers in full-dress uniform; to see the little, but big, pompous District Attorney, the officious Weeks, his assistant, the "silver-tongued" orator, Lewis, and the other Assistant District Attorneys, poring over voluminous portfolios filled with legal documents and reams of typewritten matter, lying depositions, which it had taken months to accumulate; to see them with their heads together in earnest conversation; and every now and then beckoning to some police inspector, or captain, or detective, to come over inside the railing; to see them whispering, and to see the official messengers dashing hither and thither, and pushing and shoving and forcing their way through the throng as though it were a matter of life or death for them to obey orders promptly; a casual observer would have supposed, where there was so much smoke there must be some fire, some evidence to convict; but it was all one stupendous bluff—there was nothing to it—the witnesses who had promised to do and say so much, when subjected to the



test, when it came right down to the "fine point," when placed under oath, and warned by the Judge of the penalty of perjury, wilted, and their accusations proved to be mere exhalations of "hot air." But this was not the case with my witnesses, and if any person, especially any person who questions the authenticity of any statement herein contained, will inspect the records relating to my trial, on file in the General Sessions Court, he will be convinced of this fact. He will have his eyes opened; he will read in black and white what Theodore Roosevelt, now President of the United States, had to say in my behalf, and also what the Reverend Doctor C. H. Parkhurst had to say in my behalf.

It was due to no outside influence that these men came forward to defend me. I was not introduced to them by influential relatives. No man ever amounted to any thing who traveled on his grandfather's reputation or the reputation of any other relative. I introduced myself; went to them, as man to man, and asked to have my statements investigated. "If," said I, "you become convinced that I am being unjustly persecuted, I want you to stand by me," and they promised, if convinced,





REV. DR. C. H. PARKHURST

(President of the Society for the Prevention of Crime)

"When JARED FLAGG makes a statement to me I  
believe him."

[A reprint from the New York Herald of Feb. 26, 1896.]



to do so. Neither Roosevelt nor Parkhurst will stand up for a man simply to accommodate him; they must know what they are doing; they must know the facts; must know the man, must know his past record, must know him to be worthy, before they will take the stand in a court of law and defend him under oath. Therefore it was not until they had become convinced, beyond all reasonable doubt, after a full and impartial investigation, that they really promised to come forward and support me in my defense.

Could money or influence, influence such witnesses? Then why assert, without knowing any of the facts, that I have been guilty of wrongdoing, when men of this calibre knowing all the facts, testify under oath to the contrary?

There is a difference between "hearsay evidence" and real evidence. "Hearsay evidence" is never admissible in a court of law. Roosevelt and Parkhurst demanded real evidence, and it was owing to the fact they received such evidence that there was nothing "mealy mouthed" about their testimony. In expressing their views, based on the facts

brought out by their investigation, they did not qualify statements or mince matters.

When the suave and oily Prosecutor Lewis pleadingly asked Doctor Parkhurst, in his sweetest and most persuasive tone of voice, if he really wanted the jury to understand that he—the Doctor—had absolute confidence in Mr. Flagg's word, Doctor Parkhurst replied as per the official court record, "Yes, sir! That is just what I wish the jury to believe."

By asking this question Prosecutor Lewis established (much to his disgust) my reputation for veracity. Here was the great Doctor Parkhurst, respected and of world-wide fame, testifying under oath, in an open court of law, and when asked if he had absolute confidence in my word (without qualification) said [And I am quoting from the court records]: "When Jared Flagg makes a statement to me I believe him."

This reply was so different from what Prosecutor Lewis expected or desired that it rendered him speechless and he was forced to have recourse to his smelling salts which fortunately he had with him.

In important trials we frequently hear the question asked, "Will the defendant take the

stand in his own behalf?" It would seem that any person, guilty or not guilty, if accused, would want to say a good word for himself. But the moment he says one word, in his own defense, a hundred or more may testify against him. The moment an accused person takes the witness stand, that moment, in the language of lawyers, "he opens the door," and the opposing lawyers are no longer restrained and legally confined to the specific charge for which he is on trial. By taking the stand, he places his character at stake. His past life, his record is at issue; and if his reputation can be shown, by the testimony of witnesses, to be questionable, that testimony can be used against him in arriving at a verdict. But if he refrains from taking the stand in his own behalf, evidence relating only to the specific charge of which he is accused can be submitted, or considered, by the judge or jury. This is law, and this explains why lawyers, when defending clients with "shady reputations" refuse to permit them to take the stand. But my character is not, and was not "shady"; my past life was clean; the consequences of cross-examination had no terrors for me; there was, there is, no page in the book of my life

that cannot be opened. Therefore I took the stand in my own defense, which was equivalent to saying to my accusers, if you have any person in this community, or in any other community, who has aught to say against my character, bring him in; "the door is open"; I am here, on the stand, and waiting to confront him.

But did any one enter? Not a soul who could question my veracity or character; not even those whom I charged with attempted extortion.

I quote from the words of my lawyer when summing up before the jury:—"Jared Flagg has lived in this community twenty-five years. Whatever there is of him is the result of self-reliance, self-exertion. He has borne a good reputation, as the evidence in this case proves. Not one human being, not one witness, has appeared against it; and the door was wide open, and Mr. Flagg invited attack by his attitude, by taking the stand in his own defense, and his Honor will so charge you. When we put his character in issue we offered conflict to the Prosecution. It was a challenge to put upon the witness stand any man or any woman who, from the beginning of this defendant's life,

down to the day of his trial, could assert aught against his moral, his pacific, his good citizenship, reputation and character.

“Yet, with all the venom evidenced in this case; with all the police instincts; with the terrible consequences to them of a verdict of acquittal to incite their zeal and awaken malicious inquiry; with all the nine police officers attached to that precinct; and with all the other officers involved in this prosecution; with Donohue, who was indicted, in command; with Price, in the adjacent precinct, hanging between heaven and earth on the result of this case; with the incentive terribly impressing itself upon him; throughout this broad land, in all the days of this trial, not one human creature could be found, with all the facilities for malignant enquiry, not one human creature could be found to come upon that stand to say that Jared Flagg was not a peaceable man; was not an honorable man; wasn’t a moral man; wasn’t a good citizen.

“He stands unchallenged, uncontradicted, unsullied, before you upon the witness stand, without—as the evidence in this case shows—a blemish upon his name.”]

“Ah! but, this is what his lawyer said. A



lawyer can say ANYTHING, when summing up before a jury," some persons have asserted, but they are mistaken. A lawyer cannot stretch the truth when addressing a jury; he must keep within the scope of the facts. If he makes a statement that is not in accordance with the evidence, the Judge or the opposing counsel has a right to interrupt him.

The Court Record shows that the late Charles W. Brooke, my lawyer, was not interrupted when summing up before my jury, notwithstanding that District Attorney Fellows and five of his assistants were eagerly listening to every word he uttered, and only waiting for half a chance to "call him down."

When Mr. Brooke informed the jury that I stood unchallenged, uncontradicted upon the witness stand, without, as the evidence in the case showed, a blemish upon my name, Fellows and his assistant District Attorneys remained silent; they could not gainsay it; it was a fact; but had it not been true, all six would, in the "twinkling of an eye," have been on their feet, objecting.

They kept me in the witness chair two days and a half; I was cross-examined by five different assistant District Attorneys, and al-

though the Court Record shows that not one word of my testimony was contradicted, no mention of this fact was made by the newspapers; but on the contrary certain editors and certain persons intimated that the charge of blackmail, set up by me, was merely an excuse that I might pose as a persecuted person.

For almost a year prior to my trial Captains Donohue and Price had been going about interviewing reporters, and telling politicians with a "pull," and ministers with influence, that I was a scoundrel and a liar, and had invented this yarn about blackmailing, simply to awaken public sympathy. All this talk had its effect. It affected Father Ducey, and it moved the Reverend J. A. B. Wilson to such an extent that he felt constrained not only to come and lunch with me, but to appear against me at my trial.

I quote from the Court Record:—[Mr. Flagg: "Mr. Wilson called at my apartment and said if I would manifest a contrite spirit, and admit that I was a sinner, and withdraw my charges against the police, and incidentally defray the cost—seven hundred dollars—of having electricity installed in his church, which is located on Eighteenth street west of

eighth avenue, he would intercede for me at the Throne of Grace, and pray that I might be saved from the wrath of the world to come.”]

Many persons who believe one side of a story, until they hear the other, said they did not believe that any member of our magnificent police force would stoop to blackmail; but why did not the police say so? Why did not Donohue and Price say so, when I, under oath, and on the witness stand, in the General Sessions Court, accused them to their faces of attempted extortion. They were there. They heard me. Why did they not deny it? If it was not true, why did they not prefer charges against me, and have me arrested, tried, convicted, and sent to state's prison for perjury? I will tell you why. There is no law against lying. Simple, everyday, conversational lying is permissible—not punishable; but there is a law against perjury, which is testifying falsely under oath, affirmation, or corroboration, in a court of law. Had these police captains said the things, sworn to the lies in court, that they told out of court, my lawyer would have had them convicted of perjury and sent to state's prison. This is a pretty good reason, and this

is the *only* reason why these police officials did not dare to contradict me under oath.

If a man makes a statement under oath, realizing the consequences of making a false statement, and another man also realizing the gravity of an oath, says, "I do not object to lying a little out of court, but do not ask me to go into court and under oath swear to the lies that I have told out of court," which of the two is worthy of belief?

What I said against the police, I said in court and under oath. What the police said against me was said out of court and not under oath.

When I charged Captains Donohue and Price with attempted extortion it was in an open court of law. The oath had been administered, and I had sworn to tell the truth, the whole truth, and nothing but the truth; and I told it. And what did they have to say for themselves? What did they do? Take the stand and deny the allegation? No! they "tip-toed" their way out—quietly sneaked—both of them, and did not show themselves again in that court room until my trial was over.

This is the pith of the whole business. I accused them of this crime and they did not

dare to take the stand and under oath say that I was not justified in so accusing them.

I quote from my lawyer's summing up address:—"Donohue will have his character assailed; will be charged on the oath of Mr. Flagg with having attempted to extort a bribe from him, and that is the last we see of Donohue. The District Attorney closes his case, and I will stop my case right here. I will surrender every right, every privilege that I have, and agree, if the District Attorney will call Captain Donohue to the stand, to permit him to do so."]

But neither Donohue or the District Attorney considered it expedient to accept this offer. And Price, what did he have to say for himself?

I quote from my lawyer's summing up address:—"Price will have his character assailed, will be charged on the oath of Mr. Flagg with having attempted to extort a bribe from him, and that is the last we see of Mr. Captain Price in his full-buttoned and imposing uniform. Mr. Flagg is here, but the conspirators are hidden somewhere afraid to face the jury that they have impaneled to try the crimes that they have imputed to Mr. Flagg."]

The witness who furnished the only possible fact upon which to hinge the action against me was an aged woman who lived on the top floor rear of a tenement house located on West Nineteenth street. This woman complained that some of my West Eighteenth street tenants went on the roof one hot night in the month of July, 1895, and disturbed her by singing the popular ditty entitled—"She is the Sunshine of Paradise Alley." Under cross-examination she would not say it was after midnight when the notes from the tuneful refrain first reached her ears, but she would swear she was in bed. Barring the testimony of this one witness the jury disregarded as unworthy of belief every word of testimony submitted against me. And when twelve presumably honest, intelligent and disinterested men patiently listen for ten long days and evenings to evidence it is reasonable to presume that they are better qualified to render a correct verdict than those who base their opinion on hearsay evidence or newspaper reports. To say that these men failed to do their duty; to say I am guilty anyway; that everyone knows I am guilty and I only happened to crawl out by luck; is equivalent to saying that those who



were not there, who heard no evidence and saw no witnesses, know more about the inside facts than those who were there and who heard and saw it all.

To say that this jury—the twelve men there sitting—answerable to their Maker, men who had sworn, each of them, “So help me God I will decide this case upon the evidence,” to say they did not do so when they brought in a verdict, “Not Guilty of renting flats to be used for immoral purposes or maintaining disorderly houses,” is equivalent to saying that each one of them is not only a liar but a perjurer. No thoughtful, conscientious person would make such a remark. Yet flippant individuals—the idiotic kind who know it all—have repeatedly made this assertion.

“A general impression prevails,” they say, but “general impressions” are not evidence.

The District Attorney, in his opening speech, and before a witness had been sworn, said “A general impression prevails,” etc., etc., “but I am going to submit for the conscientious consideration of the jurors something more material than general impressions.” And then placing his hand on a stack of clap-trap legal documents more than a foot



high, said [and I am quoting his exact words]:—"I have here indisputable evidence, and am prepared to prove, and moreover will prove by it, and by reputable and disinterested witnesses that the defendant is guilty of every allegation contained in the indictments."

He made this assertion to create or intensify the "general impression," the impression that those who were not personally acquainted with me then held, namely, that I was "a bad man."

But a few days later, after he had closed his case; after he had submitted his evidence for the "conscientious consideration" of the jurors; after every disreputable and interested witness he could muster had been sworn and had been heard, what was it that induced the jury to ignore his alleged "indisputable evidence" and "disinterested witnesses," and to throw out and dismiss twenty-four of the twenty-five counts contained in the indictments?

Let those wiseacres answer this question if they can.

The jury acquitted me of the charge of keeping disorderly houses; of knowingly renting my flats to be used for immoral purposes; of violating the excise law and of every other charge that had been preferred against me,

with the exception of one—the most insignificant count of all—that which charged me with maintaining a nuisance, by having tenants who made a noise, and disturbed the peace of the neighborhood, and this upon the testimony of the old woman hereinbefore referred to. On this one count in the indictment, and there was nothing immoral in connection with it, the jury returned a verdict of “Guilty.”

When the proverbially corrupt conditions which prevailed at the time of my trial and which to this day prevail are taken into consideration, and in the light of the recent Metropolitan Street Railway jury balloting frauds, if such a verdict was not a vindication I would like to know the definition of the word vindication.

This petty, insignificant misdemeanor, this trivial offense for which any owner of flat property might at any time be held accountable, is the only offense for which I was ever adjudged guilty. Moreover, it is the only thing, civil or criminal, for which I was ever placed on trial, and yet columns have been written, written by men who were paid because they could write, because they possessed the faculty of writing sensationally. To write as I am writing, the truth, is easy. A

schoolboy, with the facts before him, could record the truth, but to artistically distort the truth requires talent. The newspaper scribes who have featured me all possessed talent, and as a result of their aptitude in juggling words, in making white appear black, thousands have not only been led to talk against me, but to believe the lies these gifted writers have written. The punctuation of a sentence can alter its meaning, and the people have read these misleading sentences and have talked; talked behind my back and have insinuated and intimated and suspected and surmised and presumed and assumed and asserted and declared that the innuendoes which have been heaped upon me were true, but what have they proved? Nothing! Absolutely nothing! And what is more, no person, living or dead, ever has proved anything. From the day I was born, from the day I left my native town—New Haven—and came here, to New York, to earn my own livelihood, a boy of fifteen, down to the day of my trial, down to the present day (1909), no human being has ever been able to produce a scintilla of evidence to prove or to show, or even tending to show, that I was not, and am not, an honest man, a law-abiding man, and a man of decent moral character.

## CHAPTER IV.

NOT long, only a few minutes, after the verdict had been brought in, and the afternoon papers issued extras proclaiming "FLAGG GUILTY"—"My God, he's guilty!" certain people said as they rolled up their eyes, and spoke in stage whispers. But guilty of what? is the question, and to this day not one person in a thousand can answer that question. The public is wholly ignorant of the circumstances surrounding my case. Even those, that is, some of those who should have made it their business to ascertain the truth before placing me under a ban, know little or nothing about the matter. There are two sides to every story, and any person who prides himself on being just should not give credence to one side unless familiar with the other. This is the first time that the other, my side, has appeared in print. But do not imagine that I am posing as a martyr.

The wrongs endured by me are trivial compared to the woes of some others. I am only one, and there are thousands. There is not a day in the year in which mistakes do not occur; sometimes intentionally, sometimes unintentionally. In the name of law and justice unjust acts are constantly being committed. In the name and under the head of news falsehoods are constantly being circulated. Had the press informed the people of the real offense for which I was adjudged guilty I would make no protest; but for the sake of sensationalism, which means circulation, the truth was perverted by the press.

From a newspaper editor's standpoint nothing succeeds like circulation, and what do these editors care for me? I have sued half the newspapers in the City; and as I have never instituted a libel suit without provocation, I have never lost one. Yet whatever cash damages I have received or may receive will not obliterate from the minds of the persons who have read the false articles the impressions which they have formed. Nothing will appear in the newspapers to show that these articles were false and that the publishers had to pay damages for publishing them. The

editors of these papers would hardly consider such news sufficiently sensational to interest the public. At the present time I have libel suits pending against the New York Times, the New York Sun, the Evening World, the Morning Telegraph, and I have obtained a judgment against the New York Herald. But it is not alone the press; I have other damage suits. Certain persons intrusted by the people to administer the law impartially have been partial in their treatment of me. Yet I am told that they "let me down lightly"; I did not lose my life. When I think of the "police stool-pigeons" and the powerful and corrupt police influence which was brought to bear against me, I suppose I ought to be thankful that I am still on earth.

It would be interesting to me if some person, who could, would explain why they took my case, a paltry misdemeanor, to the General Sessions Court; a tribunal in which only felons and murderers are tried. The court records show that no person accused of a misdemeanor of the character of which I was accused was ever tried there before or has ever been tried there since.

What kind of political influence enabled



them to block the wheels of this great temple of justice for almost a fortnight, while the District Attorneys were wrangling with my attorneys over the morality of my tenants?

Why was it that the judges exacted from me bail bonds ten times as large, ten times as great as was ever known to have been exacted from persons charged with misdemeanors? The court records show that the District Attorney and his assistants argued for over an hour in order to induce Judge Newberger to refuse in my case, as security for ten thousand dollars, a bond backed by an equity of one hundred and twenty thousand dollars on improved New York City property.

I quote the words of my lawyer when addressing the District Attorney in open court:—  
[“I will put the District Attorney’s office to the challenge that there is not a man indicted for manslaughter to-day, who is on the records of the District Attorney’s office, whose bail approximates that amount.”]

Why should they have demanded of me free and clear property appraised by the City at ten times the amount of the bond required? The records show that in my case they would not accept real estate at its intrinsic value, but



stood on legal technicalities and would only pass property when its officially appraised city value exceeded by ten the bond demanded. Why should they discriminate against and make an exception of me? The penalty inflicted for a first offense is usually less severe than for a second. Why was this rule not applicable in my case? The court records show that the extreme penalty ever imposed for a similar first offense (maintaining a nuisance) was ten days or ten dollars; if a bum, ten days "on the Island"; if a gentleman, a ten-dollar fine only. But see what they did to me! Does the law seek to persecute or degrade a person before he is tried, or is a person in the eyes of the law to be regarded as innocent until proven guilty? At divers times, two years before I could force them to bring my case to trial, they dragged me through the streets like some captured outlaw. I was, and I am, a citizen of the United States. I was charged with an offense the nature of which was not serious. Had I been adjudged guilty of every count, in every indictment found against me, I would still have been a citizen and entitled to all the rights of a citizen.

This is the truth—this is the law. There-

fore, is there a law-abiding person in the United States who has the temerity to say that he approves of a fellow-citizen being humiliated in broad daylight, on the public streets as I was? Unless you approve of this form of police persecution you should not decry and help to bring discredit on those who have been subjected to it.

The people as a whole have nothing against me and it was the will of the people that I should have a fair trial; but in my case, as in many others, it so happened that the servants of the people (the police) betrayed the confidence of the people and resorted to knavery and trickery. And why? Why were the police so bitterly disposed toward me? I will tell you. It was because I would not be cowed by them and submit to their blackmailing demands; that's why. No honorable man, innocent of wrongdoing, would submit; but a dishonorable man, guilty of wrongdoing, would pay "hush-money" to continue an unlawful business. I wouldn't, because my business was lawful; and if on this account they, the police, with the help of the newspapers, succeeded in blasting my reputation, do you consider it just to join in with them and so assist in keeping

me down? All I ask is fair play; give your fellow-citizen a fair chance; do not "damn him" without knowing why; without being able to give a reason for doing so.

From first to last, all through, from beginning to end, even unto the present day, I have been persecuted—not prosecuted in an open and manly way; and it is about time there should be a "let up."

In January of last year, 1908, I leased offices in the Century Building, 1 West Thirty-fourth street, New York City, but before paying the rent it was understood with the landlord—Mr. Minturn Post Collins—and in the presence of three witnesses, Mr. Edward L. Schiller, Mr. Henry A. Jackson and Mr. William B. Reed, Jr., that on the first day of May, this year, I was to have two additional offices adjoining the three I had already leased. I wanted this put in writing, but was assured that Mr. Collins' word was as good as his bond. Before I had been in his building many hours, or days, as the case may be, his tenants, or quite a number of them congregated and commenced to "chew the rag," just as if I had no rights, and should not be permitted to occupy offices in that, or in any other building, and engage in

legitimate business for the purpose of making a living. These behind-the-back aspersions worried my partners. Personally, I make it a point not to worry about anything if by any possibility I can school myself against it, and I attribute my good health to the fact that I rarely, if ever, have worried. I have not been sick forty minutes in forty years; that is, sick enough to be in bed. Superstitious persons tell me I should "knock on wood" whenever I make this assertion. They mean well but fail to comprehend that the less superstition we have the nearer civilized we are.

Ailments of all kinds can usually be traced to carelessness, abuse, or stupidity.

There would be less stupidity in matters relating to health were it not considered respectable to be sick.

For thirty-five years I have lived in New York City. For thirty years I have been my own master; that is, have worked for myself; and, not counting a trip abroad, partially on business and partially on pleasure, have given myself two vacations—a ten- and a five-day outing. It's not work that kills us. It's recreation. Barring these fifteen days I have not missed a day from business (when in busi-

ness) in all these years. Is this fact not sufficient to explode the assumption that I am a confirmed rake? Because I do not go through life with a despondent and care-worn expression on my face; because I appreciate good company and good fellowship, and drink in moderation, is that evidence that I am a libertine? I am not ashamed to admit that I enjoy life and the good things in it to the utmost. There are but few days in my life that I would not like to go back to and live over.

No person can get out of life all that there is in it if he takes things too seriously, if he attaches undue importance to matters that ought to be regarded as trifles. Sensitive persons suffer. We should be philosophical in all things and under all circumstances, and should not forget that cruel, cutting words usually leave a deeper wound in the heart of the one who utters them than in the heart of the one to whom they are uttered.

It may not be pleasant to be vilified, but if it affords pleasure to others let them "damn away." I do not like it; I want to stop it; I am going to stop it if I can; but if I cannot I am not going to fret over it. I do not propose to dedicate—to set apart—my life to worry.

This is what I said to my partners, at 1 West Thirty-fourth street, and I meant every word of it. I also told them that life was too short for me to waste my time in giving Collins or his tenants a history of my life. It is exhausting to have to keep explaining all the time how good I am and how wicked and unjust others are. I am sick of extolling my own virtues, orally, and this is why I have put them in book form. I do not expect that the book will interest the general public and have a sale. I'm not blackening the reputation of men for money. (I am not a newspaper reporter.) This is not the purpose of the book; but sale or no sale it is going to save me an awful lot of talking.

In the future whenever I am introduced to a person who asks me if my first name is Jared—I shall not answer him, I will simply hand him a copy of this book and tell him to take it and go home. After he has digested it, I shall tell him to take it down to the Criminal Courts Building and compare the names, dates, and statements that it contains with the official records. If he does so and if he has a conscience it will smite him, and he will come back to me and apologize. I may present Col-



lins with a copy; he intimated that when I signed the lease he did not know that J. stood for Jared, but his tenants would not have it that way; that was too much for them to swallow; they held that he must have frequently seen my name in print; and it was the unanimous wish of the majority of the tenants at 1 West Thirty-fourth street that I should be put out of the building. Whereupon Minturn Post Collins—the man whose word was supposed to be as good as his bond—broke his word and refused to rent to me or my partners the two additional offices, as he had previously agreed to do. It being imperative that we should have more office space we were put to the annoyance and expense of moving. This was a small matter, but it illustrates how the thing works; how for years I have been handicapped; owing to the papers continually, even now, publishing as being true the false charges of the past.

Some persons are not what they seem and they ought to be glad of it. Not one of Mr. Collins' tenants knew me personally; not one of them would have said a word prejudicial to my character had he known the truth concerning me; yet without knowing, without having



heard even a part of my side of the story, they succeeded in making Collins, who knew even less about me, believe that the reputation of his building would be ruined if he did not contrive in some way to induce me to vacate.

My other landlord, Mr. E. C. Sewall,—for seventeen years the Treasurer of the Pond's Extract Company—who knew all about me (I having occupied offices in his building on Fifth avenue for eleven years, he also having an office in the same building), thought well enough of me to shift several of his tenants around, in order to accommodate me with six additional adjoining offices, when I left Mr. Collins' building.

Mr. Collins did not keep faith with me, simply because some of his tenants had seen my name in print.

And it is owing to the fact that so many have seen my name in print; have read the malicious misrepresentations, misleading and false accounts in the newspapers; have heard of the uncalled for and unlawful public acts of persecution by the police and other public officials; that they have formed an unfavorable opinion of me.

As an example of the injustice visited upon

me and of the discriminating enforcement of the law, take the case of Police Captain James K. Price and compare it with my own. I took the stand in my own defense; I laid my life bare; I was acquitted of every charge pertaining to dishonesty or immorality; but was found guilty of a petty misdemeanor (maintaining a nuisance), and immediately thereafter, on the strength of this finding, Captain Price (with a record so black that even the thought of taking the stand in his own defense and having his past life investigated was enough to make him run like a "whipped cur") was acquitted of the charge of felony.

The moment I was convicted (of maintaining a nuisance) the indictment against Price was dismissed; and he was not only reinstated, but assigned to a precinct and placed in a position where he could, with impunity, under the protection and in the name of the law, persecute the man who had dared to accuse him, in open court, while under oath upon the stand, and to his face, of attempted blackmail. And, be it said to his everlasting shame, he was not dilatory in availing himself of the opportunity.

Clothe a desperado with police power and you have a daredevil that no freebooter in the

country can rival. He will draw the line at nothing; he will put up any job; will swear away any person's liberty or life to settle a grudge. Price had a grudge against me and with all the swaggering bravado and foul-mouthed insolence of the average Tammany Hall police captain vowed that he would have satisfaction.

Now it appears that out of the wreck I had saved one piece of property, consisting of two flat buildings located on West Thirty-third street, near Broadway. I held a forty-two year ground lease on this property. It was claimed by Price that one of my tenants living in the building, known as 109, had invited some friends to have a sociable game of cards. He further claimed that a dispute arose and one of the invited guests stabbed another invited guest in the stomach with a hat pin. The visitor, supposed to have been punctured in the abdomen, could not be found. The alleged stabber could be found but was not arrested. The hat pin was alleged by Price to be the property of the wife of the lessee of the flat, both of whom put in a general denial. But I, who was not on the premises at the time the game was alleged to have been played, was,

without a charge having been preferred or a warrant issued, arrested by Price and held without bonds for examination on the ground that I was an accessory before the fact; in other words, implicated in what might prove to be murder.

I had never posed as a saint, but this imputation, murder in any degree, was a little too much. It was the "straw that broke the camel's back;" and although Price was reprimanded by the Judge and the case thrown out of court, I then and there "threw up the sponge;" threw away my forty-two year ground lease (which has since sold at an advance over the price which it had cost me of one hundred thousand dollars ) and quit the flat business a bankrupt.

Tell a person you are a failure and he will believe you; lose your nerve and you are doomed. I did not feel like admitting that I was a failure, yet I had a lurking idea that I was not what might be termed a blooming success. I felt like taking the "rest cure," and for a year or two I did nothing and made little or no attempt to do anything. The thought of seeking a clerical position did not enter my head. Years ago, when a boy, I had been employed for five years by Frank Work, the

multi-millionaire Wall street speculator, to keep his purchases and sales book. But, since the age of twenty, I had not worked on a salary; and, money or no money, had no intention of being a clerk.

When a person ceases to try, ceases to struggle, life becomes a struggle, and these were trying times for me. Every bit of my former enthusiasm seemed to be knocked out of me, and when a person loses his enthusiasm he loses his opportunities; and yet I kept alive, lived for a year or two without knowing how I lived. Then things, instead of getting better, got worse; and I existed, for a year or two, without knowing how I existed.

Had any member of my family, at that time, known the position in which I was placed, he or she would have come to my rescue. But as I felt that I had no one to blame but myself I kept to myself. In making this statement I am not exonerating the police or the newspapers, but the members of my family and my friends. I had friends, but they were few and far between and growing beautifully less day by day. Friends will stick "tighter than glue" to a rich man, but if a person's resources are circumscribed it behooves him to keep making

new friends all the time, otherwise in a short time he will find himself sitting high and dry without a friend in the world.

In 1898 I found myself sitting in a small room on the top floor of a building that could not be called modern. I had a few callers, not counting creditors, and one of these callers was named George D. Smith. Smith is not an assumed title taken for this occasion. Smith was his name, and Smith was a friend, and is to this day. Smith would work for a salary when he could get it. When he could not he would work without it, and it was due to this noble trait in his character that he worked for me so many years.

He was with me when I was up in the world, and he was with me when I was down in the world; he was with me when I was a creditor; when I was a debtor, and when hundreds of my creditors were howling around me like ravenous wolves; he was with me when I ascended from the depths of poverty; and he was with me when I descended to the depths of poverty; he was with me when I dined at Delmonico's; when I dined at the Dairy Kitchen; and when I dined on a loaf of bread; but through it all,



in fair weather and in foul, he was always the same—cheerful and considerate.

The first day he walked into my top story room he was considerate—he had a loaf of bread under his arm—he did not know whether I had dined, and during our repast the following conversation took place:

“What do they tax you for this place?” asked Smith.

“Ten dollars,” said I.

“Not a week?”

“No—a month.”

“And how long have you been here?”

“Almost a month.”

“Did you have to pay any money on account of the rent before taking possession?”

“Paid all.”

“All? In advance?” asked Smith.

“We are not all gifted,” said I. “You are the only person with whom I am acquainted possessing the faculty of residing in this town without paying rent.”

“I pay when I can; when I can’t I do the next best thing—move—you know how I am situated,” said Smith.

“Yes, we’re both in the same boat, and on the first of the month I may move. Tom, the

colored watchman, tells me the landlord is going to ask me to vacate."

"And pray why? You paid one month's rent," said Smith. "You must have a queer landlord if he is afraid to trust you for the next three months."

"That's not it," I answered. "It's not a question of money but of respectability."

Then I explained how several of my former tenants, with whom Smith was acquainted, had, hearing that I was in hard luck, called, not to ask if there was something they might do for me; but to do something—to actually offer me money. Until then I did not appreciate the fact that there was so much goodness in the world. And I continued while Smith listened: "Some of his, the landlord's, straight-laced tenants, probably having read and believed without knowing, took it for granted that my callers were crooked. They probably INTIMATED. Neighbors like to intimate things, and one old fossil, occupying an office on the floor below, INTIMATED that I was fond of the women."

"Fond of the women," soliloquized Smith, "and a man who is not fond of them is no man, or he is a man with a diseased mind. Must you live the life of a hermit? Have you no right

to receive callers? Suppose you were doing business here and had customers, callers, would your landlord object?"

"Perhaps not," I replied.

"Well then," said Smith, "why not tell him that you are doing business? Why not call yourself a real-estate, or a theatrical agent. A theatrical agent must have callers; no callers, no business; no business, no rent."

"A theatrical agent!" It was a happy thought, and I decided to be one, or at all events to call myself one.

"And," said Smith, "if I meet any of our old friends, dramatically disposed, I will send them up. I will tell them you are a theatrical agent."

"Do it," said I. "I'm sick of idleness; we will rig up a sign. What will a modest little tin one cost?"

"Fifty cents or a dollar, and I know a sign painter who will trust us," said Smith. "You know the fellow who made your large Twenty-third street sign. He got his money—two hundred and twenty-five dollars—and I told you, at the time, it was extortion; but you handed over a check without a word, and I rather

guess that fellow would be only too pleased to paint any sign you might order."

The next day a tin sign was tacked on the jamb of my room door in such a manner as to project out in the hall. It was not a pretentious sign—simply J. Flagg, Theatrical Agent—but it was hardly up before the landlord came up. Any one with half an eye could see that he was agitated, and to aggravate matters just at this crucial moment I could see Smith's smiling countenance coming down the long hall followed by three young women, all crazy to go on the stage. Some think a person must be crazy to want to go on the stage.

Out of deference to their presence, as Smith and his clients took possession of my office, the landlord requested me to step into the hall, and forthwith proceeded to lay down the law in a subdued but determined voice.

"A theatrical agent! I would not have one in my building—not at double the rent. I did not know you were one." And I could not tell him I did not know it myself. There was the sign and there were the would-be chorus girls; but I assured him my business was limited, and this in a measure produced a soothing effect on his nerves. I spoke the truth, my business was

certainly limited. I had none and knew no more about the theatrical business than the man in the moon, and my colleague—Smith—knew less. Therefore, had Smith not been a truly remarkable borrower, as well as a wonderful financier, it is doubtful if the rent would ever have been paid; but as it was we managed to “hang on,” after a fashion, while three months were rolling by.

One day, when entering the building, I met our landlord going out, and he enquired how business was. It was quiet, and he remarked encouragingly that “your season will soon be opening; Spring is coming on and managers will then be engaging people for their Fall productions.”

I acquiesced, although this was news to me, and I lost no time in imparting the information to Smith. “If,” said I, “the season is about to open and if I am a theatrical agent, why not be one?” You never get anywhere if you do not start, and I sent Smith out to discover, if possible, how the business was conducted. He reported that it was a knotty proposition. The theatrical agents of this city were organized; it took money to join their union. I was not a **member**, and if I were it would do me no

good; most of the agents had been established for years, and were personally acquainted with the managers. When an agent procured "talent" for a manager he exacted a commission equal to one-half of one week's salary. The custom was for the manager to deduct this amount from the second week's salary and remit to the agent. Certain managers were friendly with certain agents; they were clanish and an outsider would stand a poor chance of "butting in."

Nevertheless, I decided to "butt," and inserted an advertisement in a newspaper, which read as follows: "Attractive young women wanted for light opera chorus," etc., etc.

In response to this advertisement the first few callers did not seem sufficiently attractive in appearance for stage work, and I passed them out, but the third advertisement brought a living picture—Ilma Salter. As Smith later remarked, this young woman was so entrancing he almost fell over in a trance when he saw her. It was the ambition of her life to go on the stage, she said. And we said, "If we cannot put you on we had better retire from business." "But I cannot sing," she added, and



I told her "not to let a little thing like that worry her. If the manager to whom I propose giving you a letter of introduction knows his business he will engage you whether you know how to sing or not." This was said with the assurance of one who does not know what he is talking about. Yet I had an idea that theatrical managers were often brought in touch with the human side of life and must therefore be human. I felt that any one of them, if in his power to do so, would, without preaching a sermon, extend a helping hand to this seventeen-year-old girl who was "striking out" in the world for herself, and who was my first real stage applicant; that is, the first I accepted with the intention of endeavoring to place on the stage.

In those days I was not only personally unacquainted with the theatrical managers, but did not even know their names. I was aware, however, that there was a man named Oscar Hammerstein who owned a few theatres, and without knowing how he might take it, gave Miss Salter a letter of introduction to him, in which I assured him that any attention shown the young woman would be appreciated by me. "You tell him that Mr. Flagg sent you up," I

said; "give him this letter and then come back and report to me."

Both Smith and myself were curious to know what the outcome would be, and we waited and waited, the hours rolled by, but the young woman did not return. It was eleven a. m. when she left our office. Smith had been out and returned and advised me to "forget it." "We shall never see her again," he said. But just then we heard the rustling of a woman's skirt coming down the hall, apparently in a hurry, and the next moment she burst into our office like a ray of sunshine, with face all aglow and eyes sparkling. Before we could offer her a chair she had dropped into one. "I am engaged," she exclaimed, "engaged! oh! I cannot believe it—it seems like a dream, but here is the contract—forty weeks—all costumes furnished—nothing to buy. Oh! I'm so happy; this is the happiest day of my life." And then her eyes became moist, she smiled, she laughed, she put her handkerchief to her eyes, she struggled to keep the tears back, but there was no stopping them, and she cried for joy. This joy was so infectious that even Smith felt constrained to blow his nose. "Calm yourself, my child; wipe your eyes and tell us all about it,"

I said. "In the first place, what detained you so long?" "I know I promised to come straight back, but I had to go home—I could not help it—I could not wait, I wanted to tell Mother."

"Is your father living?" I asked.

"No."

"Have you any brothers?"

"A little one."

"And you live with your mother and little brother?"

"Yes," she said, "and eighteen dollars a week! Look! There it is typewritten in the agreement; that is to be my salary—eighteen dollars! And it means so much, so much to us"; and again the tears commenced to "well up" in her beautiful, but inflamed eyes.

No man likes to see a woman cry, and without intending to be harsh, I commanded her to stop it, and "get down to business" and tell us how she did it.

"You did it," she said, "you gave me the letter—it was owing to your influence with Mr. Hammerstein that I was accepted."

Smith looked at me and I looked at Smith, neither of us smiled. "Well now tell us. You

first went to the stage door of the Victoria Theatre?"

"Yes."

"And told the man at the door that you wished to see Mr. Hammerstein?"

"Yes, that I had a letter and the man asked me where I got it. I told him that it was a letter of introduction to Mr. Hammerstein, signed by Mr. Flagg, the Theatrical Agent."

"But that man does not know me."

"He seemed to; soon as I mentioned your name, he said that was all right and I could go in."

"And you went in?"

"Yes, the doorkeeper pointed to a man at work on the stage and told me to go over and give him the letter—that he was Mr. Hammerstein. It was so dark I could hardly see—coming in from the sunlight—but I walked over and saw a man in his shirt sleeves, on his knees, at work cutting a hole in the stage. I supposed he was some carpenter and asked him if he could tell me where I could find Mr. Hammerstein. He said I was talking to him. I thought it strange that Mr. Hammerstein should have on overalls, and asked if he was Mr. Oscar Hammerstein. He said he was

sorry to say that that was his name, and he kept right on working. I waited until he had finished sawing a board and then when he looked up I gave him your letter."

"Did he read it?"

"Why, of course, and he told me to follow him. We walked past the boxes down into the orchestra and up an aisle to his private office."

"And?"

"He asked me if I had ever been on the stage and I told him I never had."

"That was a mistake," ejaculated Smith.

No. Had Miss Ilma attempted to mislead him he would have tripped her up in a minute. She was not talking to a fool. He would have wanted to know, when, where, and with whom.

"He inquired if I could sing and I said no; then he asked me if I could dance and I said no."

"And what then?"

"Then he gave me a letter and told me if I did not procure an engagement to drop in and see him next week. The letter was addressed to Mr. Witmark."

"Witmark! What Witmark?"

"The Witmark Musical Library and Agency."

"What did Mr. Witmark say to you?"

"He asked me if I could sing, and I told him I could not."

"Why did you say that?—" said Smith.

"Why do you interrupt?" said I; and Miss Ilma proceeded to tell us how Mr. Witmark had given her a card to Mr. Ashland.

"Ashland! What Ashland?"

"Mr. W. Ashland—manager of the Witmark Agency."

"And what did he have to say?"

"He wanted to know if I was an alto or a contralto or a soprano, and I told him I wasn't anything."

"And what then?"

"Then he thought I might answer the purpose and he gave me a letter to Mr. Aborn."

"Aborn! What Aborn?"

"The Aborn Opera Company."

"And what did he want?"

"He wanted to know what I could do."

"And when you told him you couldn't do anything?"

"He signed the contract—there is his name—and Wednesday I am to begin rehearsing at



the Herald Square Theatre. Isn't it grand? Just think of it! I can hardly wait for the day to come. How shall I ever repay you for your kindness? To-morrow Mother is coming down to see you—to thank you—to arrange matters—to pay you."

"Do not talk about pay; we are indebted to you; you have taught us more about the business than we ever knew before."

"Yes—damn the pay," said Smith. "These names and these addresses are worth money to us. We should pay you, not you us;" and then, apprehensive lest I should think him too liberal, without making it clear to Ilma, he gave me to understand that he had, when out, earlier in the afternoon effected an extension of credit with the groceryman, and we were now on "easy street" for at least two days to come.

Ilma Salter was the first person ever placed by me, directly or indirectly, on the stage; and as I look now at her picture, which she signed and gave to me with her best wishes years ago, it takes me back to the old tin sign, the little old dingy office looking out on the air shaft, and the loaf of bread.

This was one case; I could cite hundreds—yes, thousands—some less, some more pathetic;

I could fill volumes; I could write and I could tell of successes and of failures, of hopes blasted and of hopes realized; I could mention names now known on both sides of the water, which were unheard of when first entered on my books. I have placed young women and young men on the stage who have raised themselves and those dear to them from want to affluence; but these were the exceptions; the majority only made a living, yet were none the less grateful; and I can show many, many letters, sincere, honest, letters of heartfelt gratitude, which any man might feel proud to own. Therefore, if you believe that happiness consists in making others happy, you can understand how happy I was during the years in which I was engaged in the Theatrical Agency business. They were the six happiest years of my life.

## CHAPTER V

THE next day Mrs. Salter and her daughter called to adjust what they believed was their indebtedness to me. I explained it was the Witmark Agency that had procured the engagement, and that Mr. Witmark would expect a commission; half of Miss Ilma's second week's salary; but that it would not be payable until the second week's salary had actually been earned and paid. Although Mrs. Salter agreed that this was proper, yet she thought I also should be compensated, as it was due to my personal influence with Mr. Hammerstein that Ilma had met with success. "He was so very considerate to my daughter after reading your note of introduction," she said. But I explained that Mr. Hammerstein did not know me; would not know me if he should meet me face to face. Furthermore, I informed her that I did not know Mr. Wit-

mark, or Mr. Ashland, or Mr. Aborn; never had heard of them until Miss Ilma enlightened me.

This appeared to stagger her, but nevertheless she was insistent and left a five-dollar bill on my desk. It seemed a shame to take the money.

The next best thing to making money is to think that you are going to, and after this little episode, both Smith and myself were sure that there was money in the business. Three months later we were not so sanguine. The season for engaging stage people had opened and closed, and our gross receipts, including the five dollars previously referred to, had only amounted to fifteen dollars. This was pretty "poor picking;" we both looked pretty seedy; it seemed like a forlorn hope; seemed as if we could not hold out another day, and yet we struggled on; I kept working and Smith kept borrowing. After six months of this "hand-to-mouth" business we decided to drop the price from five to two dollars, and our receipts quadrupled. This was not saying much, but it enabled us to come a little nearer to making ends meet.

Occasionally, some actor out of a job would drop in and quote Shakespeare to us; and

owing to our forbearance, our ability to listen, and also to the fact that we invariably expressed admiration, we became more or less popular with these tragedians, and they did us many a good turn. Not that we could borrow from them; we did not make the attempt, for it is well known in the Profession that a tragedian seldom, if ever, eats. But through them we attained an insight into the business which was of ultimate value to us. They educated us, kept us posted, and "put us wise" on many points. Through them we discovered that the Witmarks were not only one of the most reliable agencies in the city, but the largest. We also discovered that Mr. Ashland, who for years has had charge of the Witmark's agency department, was universally liked. Nothing seemed to ruffle him, not even when we sent him an applicant unfitted for the stage. If, after trying her voice he found it to be impossible, he had the knack of passing her out without offending her, and even such applicants invariably spoke of him in the highest terms. This made it easy for us; it enabled us to transact what little business we did without friction, without any unpleasantness.

"Why do you not go up and pay your re-

spects to Mr. Ashland?" Smith would say to me. And I would say to Smith, "What's the use? He is doing all right, placing eight out of every ten we send up; why not let well enough alone?" And so the seasons rolled by until a new spring season opened. Then business "picked up" a little; we were eating better and felt better; we even went so far as to inquire the cost of having a telephone placed in our office.

It was just about this time that Mr. Ashland wrote a letter in which he requested me not to send stage applicants to him after four p. m., as he was always busy attending to his correspondence between the hours of four and six o'clock. This letter proved valuable; it was *prima facie* evidence that we now had a real connection with a real theatrical firm. It was typewritten on a Witmark Musical Library and Agency letter head, and to preserve it I had it framed.

We could now say to our customers, "Pay us our fee—two dollars cash in advance—and if you are not satisfied with the position come back and we will refund to you your money." "But," we would add, "there is not much likelihood of our being obliged to do this, as you



can see by this letter we are transacting business with the leading theatrical agency of the city." Then the framed letter would be handed to the applicant to peruse. It worked wonders; it was a turning point in our business—this Ashland letter—and one week after receiving it I signed a contract with the telephone trust.

It was a great day for us, the day the telephone was installed in our office. Not that we, at this time, had any special use for the thing, but others found it a convenience.

Some persons as soon as they see a telephone, provided it is not in a public pay station, want to use it. There are a great many telephone beggars in the world.

Three years passed. Mr. Ashland did not come to my office, nor did I go to his. We had never met, but he knew my voice and I knew his when talking over the telephone. We had gradually, without contemplating it, almost without knowing it, drifted into one of those mutually advantageous arrangements which often prove more lasting and more profitable than a cast-iron signed contract.

One day Mr. Palmer of the Tams Agency called, and said he could use a few young

women with good voices. This was a new connection. A tragedian—a friend of ours—had informed Mr. Palmer that when it came to chorus singers we were headquarters. Then other agents called, and a still greater outlet opened to us. To meet this increased demand, I not only increased my New York City advertisements but also advertised in other large cities. Finally, as by degrees it became “noised about” that we could supply the demand, we found ourselves doing business with all the agents in the city; all the members (without an exception) of the theatrical agents’ union.

And so our business prospered, up, up, up, doubling itself each year several times over. Many an air castle eventually has been erected on solid ground and we had come up on a solid foundation. Our business had made its own capital, and, instead of boards, at the expiration of the first year we found ourselves walking on ingrain carpet. At the end of the second year tapestry Brussels; at the end of the third year Wilton velvet; and at the end of the fourth year the trouble had commenced. It is said that women are the cause of all the trouble in the world, and it was our young women clients who brought on the trouble.

Up to this time our business had been confined to the theatrical agents. We had not dealt with, and therefore were not known to, theatrical managers. When an agent received an order from a manager for chorus singers he, the agent, would simply order us to send to his office one or fifty or a hundred, as the case might be. It was no trouble to him; he was put to no expense in advertising, and he did not have to pay us any part of his commissions.

It was true applicants who registered with us were obliged to pay, in addition to the agent's fee of one-half of the second week's salary, our two-dollar registration fee. But as we kept in touch with every theatrical agent in the city, we knew just when and where to send our clients. Therefore, we could not only save them time, but a vast amount of tramping about, and as "time is money" the young women and the young men considered it economy to pay this extra two-dollar registration fee to us.

The regular theatrical agents, all along, had been careful not to let the theatrical managers know that the chorus singers they were engaging through them (the agents) were in reality my clients—that is, had passed through my

office and registered before being sent by me to the agents.

Naturally, the agents were not averse to receiving the glory, the prestige of seemingly having so large a clientele as to be able to fill any sized order without undue delay. At this time I was expending money freely in the newspapers, and it was these newspaper advertisements that brought the people to me, and thus enabled me to execute promptly the orders I received from the agents and, in turn, enabled the agents to execute promptly the orders they received from the managers. So long as this state of affairs existed, continued, the theatrical agents were my friends, and why should they not be? They were making money out of me; my clients were paying them ten dollars while my clients were paying me two, and yet more than half of my receipts were going back into the newspapers, whereas the agents, owing to their friendly business relations with me, were not obliged to expend one dollar in advertising. Furthermore, the agents demanded from my clients (as was their custom with all stage people) an additional fee for each engagement procured, but I only exacted one two-dollar registration fee per year.

For this one and only fee I obligated myself to procure, directly or indirectly, any number of stage engagements that my clients might desire during the year.

This charge was so moderate that without solicitation on my part the majority of my clients, as my books show, returned year after year to do business with me and renew their registration fee. It was owing to these continued renewals that I could see a prosperous future opening up before me, and I was therefore content to "bide my time," even if the theatrical agents did regard me as a convenience. It was because I was such a "good thing," such a valuable asset to them, that they kept my name under cover, and so kept the theatrical managers from discovering the true source from which the supply came. But the young women (my clients) finally "let the cat out of the bag," and then, as previously stated, at the end of the fourth year, the trouble commenced.

It happened this way: Before a company goes on the road the agents through whom the people in the company have been engaged are permitted to attend the final dress rehearsal, and at its completion the chorus is lined up on

the stage, and the manager and his bookkeeper and the theatrical agents go together down the line and check off the names. This is done to avoid errors in remitting commissions to the agents. If an agent claims that he procured the engagement for a certain person, and that certain person disputes the claim, the matter is adjusted there and then. But if no dispute arises the person who obtained the engagement signs an order authorizing the manager, the employer, to deduct half of the second week's salary and remit same to the agent entitled to receive it.

To go down the line of a large chorus and identify the right one, or the right dozen, is no easy task. A brunette on the street might be a chemical blonde on the stage, and a chestnut brown might be a red-headed Titian. However, despite the makeups, were all the young women truthful it would not be so difficult to identify them. But unfortunately some women are given to exaggeration (except when talking of their own age) and some of these chorus girls would "stretch the truth" and pretend not to know their own names. They would give the agent one name and the manager another—a stage name—and at the last moment



“spring” still another, a new name, on both, by exchanging names with each other; anything, in fact, to mix matters and swindle the agent out of his commissions.

It was during the “line ups,” at the beginning of the fall season, after I had been in business four years, that my name was suddenly brought to the attention of the leading managers in New York City. I would receive a telephone order from an agent; I might be talking at the time, in my private office, to a young woman; forty or fifty more might be in the waiting room. I would send the young woman up to the agent and tell the office boy to pass the others in to me, one at a time, intending to send each one to the agent, but he—the boy—would inform me that they had all left; just gone; gone with the young woman I had sent to the agent. But they had no intention of calling on the agent. Oh, no! they were going to call on the manager, and so evade paying the agent a commission. One was enough to pay, and after she had called on the agent and ascertained when and where to go she would post the others. In this unfair way the agent, instead of making commissions on forty or fifty, would make commissions on only one.

It was a "mean trick" for them to play on the agent, and I tried in every way to prevent it from being played on other agents with whom I was doing business, for I knew it would ultimately result in trouble all around; but I was unsuccessful in my efforts; I was outwitted at every turn. There might be only two or three young women in my office when an order came in, and I would send them up, and thirty minutes later the agent would "phone" to me that only one had called, but that there were a hundred or more at the theatre and that this kind of business must stop. They were my clients. I could not deny that fact, but how they were "tipped off;" how they reached the theatre in such a short space of time was an enigma to me. Still I could not make the agent believe this and I was blamed accordingly. Seemingly, I had not acted in good faith. It looked as if I was winking at, or deliberately joining in with, my clients to dupe the agents; to deprive, to prevent them from making commissions. And as a result of this underhand business on the part of many of my clients, when it came to the final "line up," roll call, not merely in one theatre, but in all the leading theatres and rehearsal halls of the

city, I found myself placed in an awkward position.

The fact that I was disgusted, not alone with certain tricky clients, but with young women who were not from my office, whom I did not know, and yet claimed to be clients of mine, did not help matters.

It did not help the agents; it simply made it look so much worse, and the agents stood by, inwardly berating me, while they heard my name called out all along down the line.

A manager, or his bookkeeper, would say to Miss ———— "Whom do you belong to; which agent sent you to us?"

"Mr. Flagg."

"Flagg? We do not know him; never heard of any such agent."

"Well, Mr. Flagg is my agent and he sent me."

"And you?"

"Mr. Flagg."

"What!"

"Yes. Mr. Flagg, he's my agent, also."

"And you?"

"Mr. Flagg."

"How is it with you?"

"Mr. Flagg."

"And is Flagg your agent, too?"

"Yes, sir."

"And yours?"

"Yes, sir."

"And yours?"

"Yes, sir."

"Well, who the blankety blank blank is Flagg, anyway? We gave him no orders, and we will pay him no commission."

"Mr. Flagg does not want any commission."

"What!"

"He only charges two dollars a year, and we have paid him; we can have all the stage engagements we want."

This was news to the managers, and they commenced to have visions; commenced to put two and two together; commenced to realize that for some time back they had been employing my people, although engaging them through the agents. It was now clear; they could see it all, and henceforth they would deal with me direct; they would cut out the middleman—the agent—and so save the money that had heretofore each year been paid to the agents.

Subsequently, every large grand opera and light comic opera manager in New York City

commenced to do business with me. This is a sweeping assertion, and yet I bar none; I include them all, and can show signed orders received from them all.

Therefore, it can be seen that I had UNINTENTIONALLY CURTAILED THE INCOME which the agents had formerly received and counted upon to help meet current and living expenses.

I had no patent on my way of doing business. Any person so inclined could have adopted the same method, only it might have proved a trifle discouraging to him at the beginning, as it did to me. Perhaps even more so, as he would have to compete against me, whereas, when I started, I had no one to compete against. I did not try to compete with the theatrical agents. I simply created, as it were, a business for myself, along lines offering the least resistance, and I called my business, my establishment, a theatrical bureau of information. There never had been such a bureau and there may never be another.

When the theatrical agents of New York City became apprehensive as to what might happen to them, they set about to rectify what they were pleased to term an evil. First they called a meeting of the members of their

Union; a committee of four was appointed to call on me and, if possible, to induce me to join their Union. These men were courteous and placed the matter before me in every conceivable light. They cross-questioned me and ascertained that my advertising bills were large; over two hundred dollars a week; and that, owing to this expense, and the additional expense of circularizing the country, my net profits, compared to the magnitude of my business, were trivial. They asked me if it was my desire to play the part of "dog in the manger," and other pointed questions equally difficult and disagreeable to answer.

I pleaded for time. Let me "sleep on it" over night; and to-morrow, I said, I will give you my answer; I will tell you if I will join your Union.

That evening at dinner I talked the matter over with Smith, and we both felt that there was a storm brewing. We could feel it in the air. "If we do not tie up with these agents there is going to be trouble." "And if we do, what then?" inquired Smith. "We are doomed," said I. "The day we join their Union we are ruined; the moment we change our method of doing business we shall have no



business. But, if we continue on the lines we have adopted, we shall soon have it all; we are the fashion; they are coming our way; but, if we charge as much as the others charge, they will go the other way."

Smith agreed with me, and the next day I sent a letter of thanks to the agents for the honor they had conferred in asking me to join their Mutual Protective Association, but I declined to do so.

A few weeks later, and ugly rumors commenced to float through the air. I heard "things"; my friends heard "things." But the "things" that they had heard, and the "things" that I had heard, the others (those who spread the reports) had heard from others who also claimed to have heard. It was all hearsay, and it seemed as if I never should discover the originators. But these things all "come out in the wash." It is only necessary to keep calm and to wait, and some time, some one will say something, and you will know it all. I remained calm and waited almost three years, and I now know it all—the guilty and the innocent.

To display enterprise and compete honorably is commendable, but to resort to sneaking, anonymous methods to "down" a competitor

is contemptible. In my opinion any man who will resort to an anonymous communication in order to kill the reputation of another person is an assassin—as much of an assassin as the coward who sneaks up from behind, with a dagger, and stabs a man to death in the back.

By attending to my own affairs, I had built up a business that threatened the very existence of certain theatrical agents. At least, certain ones believed such to be the case, but this did not justify them in circulating dastardly lies about me. I do not, and did not, accuse all the members of the Agents' Union. I refrained from accusing anyone until all the facts had been placed before me, and I then became convinced that some of the agents were honorable men, but I regret to say I discovered that some were devoid of all honor. It seems unbelievable that men, however exasperated, could resort to the despicable acts that were perpetrated on me. In one day over thirty complaining, anonymous letters were sent to editors of the newspapers in which I advertised. These letters were written with a view of cutting off my source of supply by having my advertisements stopped. If rejected, I could not advertise for stage applicants; and my ad-

vertisements, owing to these letters teeming with false statements, were rejected.

But letter writing is a game that two can play at, and I decided to try my hand; I decided to send a little missive to the editors who had received the anonymous communications. It did not take me long to write it, and the following is a copy:

NEW YORK, 1905.

Business Manager:

Dear Sir—If the circulation of your paper was doubtful, I would not trouble to write this letter; but I know from experience it is a valuable advertising medium; important to the welfare of my business, and I trust, therefore, you will give this letter consideration.

For a long time I have advertised in your paper, but a few months ago was warned by certain persons (and if you wish, will send you their names and addresses, but not for publication) that my advertisements would be rejected not only by you, but by other managers of papers throughout the country. This warning proved true, still I believe when you are acquainted with the facts I shall be reinstated. They are as follows:—September 9th, 1904, I received a letter from the Theatrical Agents'

Protective Association of New York City, requesting me to be present at a meeting of their society, which was to be held at the Gilsey House the following Tuesday at 8 p. m., in parlor number eleven, I paid no attention to this invitation, and a few days later received another communication, of which the following is a copy:

THE CO-OPERATIVE MUTUAL THEATRICAL  
PROTECTIVE ASSOCIATION

JAS. J. ARMSTRONG	ARTHUR W. TAMS	WM. MORRIS
PRES.	SEC'Y	TREAS.
10 UNION SQUARE	109 WEST 28TH ST.	43 WEST 28TH ST.
ROBERT GRAU	} VICE-PRESIDENTS	
MRS. BEAUMONT PACKARD		
HENRY WOLFSOHN		

NEW YORK, Sept. 17, 1904.

Jared Flagg, Esq.

Dear Sir—A meeting of the members of the Theatrical Protective Association will be held in Elks' Hall, Majestic Theatre Building, Fifty-ninth street, next Tuesday evening at 8 o'clock. We would be pleased to have you present and receive the benefit of your counsel.

Yours truly,

[Signed]

ARTHUR W. TAMS, Sec'y.

I thanked them for their courtesy, but did not attend the meeting.

The same month, September 28th, Heinrich Conried notified me by letter that he would try voices and hear my clients sing at 3 p. m. the following Wednesday in the Metropolitan Opera House.

To prove that I received this order, I can show Mr. Conried's letter. To prove that I was unable to fill the order I can produce one hundred witnesses—young women who were "afraid to risk it." "Risk what?" I asked. "Being arrested," they said. "For what?" said I. "For being your clients," I was told. And then I discovered that my clients were being summoned to appear before the District Attorney. Two had been taken from the New York Theatre; three from their homes in Brooklyn; two from in front of my office, etc., etc. Some person or persons (probably under the impression it was a duty they owed to themselves—not to me) had informed the District Attorney that I was sending people to improper persons. But the District Attorney (in justice to me), before taking action, appointed Assistant District Attorney C. W. Appleton to investigate the matter. I also did a little investigating, and, although my clients had been warned by Mr. Appleton not to talk (women will talk)

I soon ascertained who were the instigators of this outrage.

I employed detectives; we examined witnesses; affidavits were made and one member after another of the Co-operative Mutual Theatrical Agents' Protective Association became implicated. Depositions to prove this statement are now in the hands of my attorneys, Caruth, Ziegler & Caruth. Having accumulated this evidence I appealed as a law-abiding citizen to the District Attorney for protection, and as soon as the facts were placed before him he accorded me protection. This I can prove by a letter dated October 7, 1904, addressed to me and signed personally by William Travers Jerome. I can also prove it by his acts, which speak louder than words. Months have elapsed and the fact that District Attorney Jerome has acted toward me as he would to any other reputable citizen is evidence he had no occasion to act otherwise.

The President of this Protective Association and certain of its members failing therefore in their attempt to inveigle the District Attorney into co-operating with them and utilizing his office for their mutual benefit, and incidentally my injury, concocted another scheme, namely:



to cut off my source of supply (newspaper advertisements) and some boasted openly and at their subsequent secret meetings that they would put me out of business by having my advertisements stopped. Four reputable witnesses, members of established theatrical firms, admit that these threats were made and will so testify.

To stop my legitimate advertisements, illegitimate complaints were sent to city and country papers, and as a result many advertisements, including those which were to have appeared in your paper, have been sent back marked "declined." These advertisements and the officially dated envelopes in which they were returned I have, and can place in evidence to prove that thirty or more complaints were made in five different states at the same time—New York, New Jersey, Pennsylvania, Connecticut and Massachusetts.

Why were these preconcerted complaints sent out? Why are certain members of the Agents' Protective Association so anxious to end my career as a theatrical agent? What is their motive? Are they impelled by a desire to do good? Are they actuated by high principles or high commissions?

The regulation fee charged for procuring a stage engagement is one-half the second week's salary. My charges are less, but at times, if I have no orders, I recommend to my clients agents who have orders. A few years ago, when I embarked in this business, I was obliged to send them all to agents for the obvious reason that no manager would favor me with an order. Did the agents complain of me then? So long as I was willing to do the work, and defray the cost of advertising, and pass my clients over, and allow the agents to charge them the regulation rates, my morality was not questioned.

There is no theatrical agency in this city who has not voluntarily or involuntarily placed clients of mine on the stage. The very men who are now denouncing me have made commissions that they would not have made had it not been for me and my clients. If any member of the Agents' Association doubts this statement I can refresh his memory by referring to my books and submitting a list of the clients he has placed for me.

Their Secretary alone has procured engagements for over eighteen hundred of my clients. All its members are not against me, and noth-

ing herein stated is intended to reflect on the Tams Agency or Mr. F. C. Palmer, of this agency, who has invariably treated me and my clients with respect. The same is true of Mr. W. Ashland, of the agency department of the Witmark Music Library. This firm has secured stage engagements for more than three thousand five hundred of my clients; and the many courtesies extended by the Witmarks and Mr. Ashland have been appreciated by my clients and by me. We are also indebted to Walter J. Plimmer, Frank Melville, Matt Grau, Frank Forrester and some others who have not and would not stoop to underhand competition.

It took time, but when by degrees it commenced to dawn on the theatrical managers that they were employing my people, although engaging them indirectly, that is, from the agents to whom I had referred my clients, I commenced to receive orders direct. Klaw & Erlanger, Frohman, Conried, Savage, Belasco, Shubert, Hammerstein, Thompson, Dundy, Brady, Aborn, Fisher, Ryley, Harris, Hyde, Behman, Hill, Bradhurst, Currie, Ade, Ziegfeld, Liebler, Keith, Proctor, Field, Lederer, Whitney and Frank L. Perley not

only have, but are at the present time employing clients of mine. I can produce books, letters, contracts and thousands of witnesses to prove this statement.

The person does not live who can name a first-class light opera company in the United States (and this means from the Atlantic to the Pacific) in which my clients do not at the present time take part. I mention these facts not because I wish to brag, but to show if some of the agents do not approve of my modern methods of doing business, the members of the Profession seem to think pretty well of my work as an agent.

For procuring a client an engagement and keeping him or her at work one entire year I charge two dollars. All told I have over seven thousand yearly clients, and this low commission is pleasing to them, agreeable to the managers, and satisfactory to me. But the agents object. They want protection. They have organized a society (eighty-eight in number) for mutual protection and they want it. They want you, and every business manager of every newspaper in every city and town within a radius of five hundred miles, to co-operate and aid them in protecting themselves against

my competition. Previously, that is, before I did business with the foremost managers in the theatrical world, it was all right but now it is all wrong—they say—for you to permit my advertisements to appear in the columns of your paper. If you continue to do so the members of the profession will continue to patronize me and in the estimation of many of the members of the Agents' Protective Association this is cruel to them.

The agents do not support the members of the Profession, the members of the Profession support the agents; and if the agents comprising the Protective Association are to be deprived from making the high commission which according to the By-Laws of their own society they are entitled to make, who is going to support them? This is the problem, and regular and special meetings have been called to solve it. They have even invited me to give them the benefit of my counsel, as per the enclosed copy, hereinbefore referred to, of the Association's letter addressed to me, and dated September 17th, 1904.

But I maintain that the young women need the money more than the agents, and the young women agree with me. Those who do not

agree with me and who do not know me personally, and who are not acquainted with the facts and who do not wish to be acquainted with the facts, say my one aim in life is to decoy unsuspecting stage-struck girls and defraud them. The charge is almost too absurd to notice. Section 5 of Chapter 432 of the Laws of 1904 reads—in part—"in case the applicant shall not accept or obtain employment through such agency, then such licensed person, shall on demand, repay the full amount of said fee." Has the law left any loop-hole here to swindle the unwary? And if it had would I be likely for the sake of a two-dollar fee, to place in jeopardy a one thousand dollar bond, which I have, in conformity with the requirements of the license law, deposited with the City of New York? Do even my enemies accuse me of being an idiot? And, bond or no bond, would I not be one to ruin a paying business which has been established by honest dealing and almost five years of hard work, by now conducting it dishonestly?

Some of these discontented theatrical agents, who attribute the falling off in their business to me, pretend that their finer sensibilities have been shocked because I permit my clients to



pose. Owing to their influence (the agents) with the press, a terrible hue and cry, especially in the theatrical papers, has been raised on this account. And yet I have never exacted or accepted a fee from a stage applicant for giving her posing engagements. Nor have I ever, directly or indirectly, accepted one dollar from any firm or person, who has ever given a client of mine a stage engagement, or a posing engagement, or employment of any kind. This fact cannot be emphasized too strongly; because reports by my enemies are being persistently circulated to the effect that I receive the largest kind of fees; that my two dollars yearly fee is a mere subterfuge; and it would be impossible for me to meet my advertising bills alone on any such insignificant amount. These aspersions are made to create the impression that I must, from the necessity of the case, be in league with disreputable resorts of one kind or another. But there is not a word of truth in the malicious reports. It's all one DAMNABLE lie. And I defy any person in the world to prove to the contrary.

That thousands of my clients have earned money by posing, I admit. There is not a periodical or pictorial magazine or a fashion

magazine supplement issued by a daily or Sunday or evening newspaper in Greater New York in which pictures of my clients have not appeared.

If all the papers were to reject my advertisements how would I fill your orders in the future? If you wish I will send you a list of the names of my young women clients who have posed for your fashion plate artists and commercial photographers.

Among the illustrators Charles Dana Gibson, Howard Chandler Christie and Edson M. Knox, of the Knox Illustrating Syndicate of Newark, N. J., are my largest customers. Among the commercial photographers and fashion journals—Eddowes Brothers, L. S. White, Sarony, the Tonnele Company, the Fashion Camera Company, the Dry Goods Economist, Butterick's and the Illustrated Milliner—are my largest customers.

To rebut the testimony of slanderers, I cannot only refer to these and hundreds of others, but hold in reserve an army of clients; an army ready at the first call to appear as witnesses in my behalf; ready to testify under oath that they have never seen a thing done, or heard a

word spoken, or a question asked in my office which would cause umbrage even to a prude.

If those who say or intimate that the business of my office is not properly conducted dare to make known their identity, I would gladly give them the opportunity to prove their aspersions in a court of law. But they are cowards, and what they say is said behind my back. If you can show me one bona-fide complaint, signed by a bona-fide client of mine, or by her or his parent or guardian, I will never ask you to insert another advertisement for me in your paper as long as I live.

The possibility of a client of mine having just cause to complain against me is so remote it has never occurred. The law does not compel me after I have accepted a fee from an applicant to procure an engagement. It merely compels me to refund the fee if I fail to procure an engagement satisfactory to the applicant. It is optional with her as to whether she accepts or rejects any engagement I may offer. I have no jurisdiction in the matter. Therefore, if I comply with the law, and no customer or client of mine has ever accused me of not doing so, how is it possible for her to enter a just complaint against me?

Under the license law I am obliged to keep a register, in which must be alphabetically recorded the names and addresses of all my clients, and the names and addresses of those to whom I have referred clients for work. To omit to enter the names, or to substitute a false one, constitutes, as per section four of the license law, a misdemeanor.

This book, which is examined bi-monthly according to law, by government officers, I am willing to place at your disposal to prove you have never received a complaint against me that was not written anonymously, or signed fictitiously, or by some person purporting to have transacted business with me, but whose name does not appear on my books. The complaints which have influenced you to reject my advertisements have been made by these outside alleged clients, these impostors, these pretenders, these mischief makers, whose aim it has been to inflict—not to right—a wrong.

Yours truly,

JARED FLAGG.

This letter did the business; it covered the ground; and after reading it, after seeing my documentary evidence, and after investigating

my business, every manager of every paper who had been constrained to reject my advertisements immediately inserted them.

And what did the members of the Agents' Protective Association do then? Why, they hired a hall—the Grand Central Palace—Forty-third street and Lexington avenue, and January 6th, 1905, invited Frederick L. C. Keating, at that time License Commissioner for the City of New York, to come and hear their grievances. Did he come? He did, and what is more, made a speech. He told the agents how much respect he had for them and how little he had for any man who would advertise to place young women on the stage. He refrained from mentioning my name, but every one in the hall knew to whom he referred. The more he maligned me, the more applause he received, and he grew eloquent. He did not advocate my single, all year, two dollar commission, but told the agents he approved of their regular half-week's salary commission, and hinted that they might even charge the members of the Profession a commission equivalent to the entire first week's salary and still be within the scope of the law.

Mr. Keating is only thirty-two years of age,

and this sentiment, emanating from one so young, elicited prolonged applause.

After finishing his harangue, many of the agents grasped his hand and pressed it with fervor, and he returned the grip, as much as to say, leave it to me. They left it, and what did he do? He sent an inspector—a Mr. G. W. Hamilton—with a stenographer, to my office, the very day after he had delivered his oration, to secure a list of the names and addresses of my clients and my customers. Not a few names, but hundreds, beginning with A and not stopping until they had reached Z. These were his orders and Mr. Hamilton had to obey orders.

And what did Mr. Keating propose to do with these names? My clients would not go to him; they had no cause to complain; so he decided to go to them, and, if possible, coerce them to complain.

To revoke my license without jeopardizing his own—that is, his own license to act as a License Commissioner—it would be necessary to produce a complainant, preferably some person with whom I had transacted business, and who would make a charge against me. It was for this reason that he wanted the list of



names; and with the hope of discovering some one person from among the large list, who would be willing to appear against me, he detailed seven Inspectors to scour the city from the Battery to the Bronx. But, notwithstanding that these inspectors interviewed hundreds of my clients, they were unable to find one who could, would or did make any complaint against me. And, after wasting a great deal of time, and incidentally a great deal of the city's money, Keating gave it up as a bad job.

In the meantime, I was doing a large business. The more the agents kicked, the more I was blackguarded, the more business I seemed to do. Actors and actresses, who had never heard of me previously, now called at my office and registered. Theatrical managers also called, and I was literally "snowed-under" with orders. At times, there was not standing room in my offices.

In addition to the main office, we now had five uptown sub-offices. To keep them all in operation—that is, to keep even with the demand, in addition to my newspaper advertisements, I sent out a circular of which the following is a correct copy:

## “ADVICE TO THOSE WHO DENOUNCE THE STAGE.

“If a young woman is good looking, she knows it; she does not have to be told; and if obliged to support herself, I do not blame her for wishing to go on the stage. What legitimate vocation can she adopt that will pay her so well, or afford half so many opportunities for advancement?

“The salaries usually paid to chorus girls of the better class range from fifteen to twenty dollars per week, and ‘front row’ or ‘show girls’ frequently receive twenty-five to thirty-five dollars per week. Furthermore, if a young woman displays talent, there is no telling how high a salary she may command. It is not, however, always a case of money. The love of admiration, the glitter, the excitement of the life and possibility of ultimate fame are incentives.

“If a young woman is imbued with the idea that she may make the hit of her life on the stage (and every great actress that has ever lived has been imbued with this same idea) it is a waste of time to try to convince her she may make the mistake of her life.

"In denouncing the stage, you only make her more determined to 'go on,' or, if dutiful, more miserable by remaining off. It does not cool her ardor; it does not cure her. If she has the 'fever' nothing will cure her—that is, nothing but a dose of the 'real article,' and even this may not prove effective, because work we enjoy is not drudgery; work we cannot enjoy is drudgery. Stage aspirants enjoy their work; they love their profession; and a young woman who loves the stage, as a profession, can endure work. Consequently, she is more likely to meet with success on it than in any other calling.

"If a chorus girl has ambition, a good constitution, a cheerful disposition, and is not too old or too young, too tall or too short, too fat or too lean, there is no telling what she may accomplish behind the 'foot-lights.' Many of the most beautiful women in the world are there and they are workers and enjoy life and are not depraved. A woman can be on the stage, and be good, even if beautiful.

"Although our chorus girls, as a whole, may be more daintily formed and attractive, they are not morally inferior to their sisters who are idling their lives away doing nothing or

eking out an existence in distasteful domestic or mercantile pursuits. The good and the bad are to be found among the bad and the good in all walks of life; and, if too much attention, too many letters, too many invitations, too many bouquets, and too many admirers will turn a young woman's head, it indicates that she has inherited a weak head from her ancestors. Is this her fault? Is it the fault of the stage? On the stage discipline is maintained, and, if she will attend to her stage duties and not attend to too many wine suppers, she will command respect.

"The danger, especially if your daughter has inherited any of your sporty proclivities, will occur after the show, not during the performance. But, if only good has been bequeathed—inherited—you can repose confidence in your child. If trustworthy, trust her. Nothing causes a young woman greater anguish than to be regarded with suspicion by those whom she loves.

"Many parents show faith in their offspring by not trusting them out of sight, and children usually show their appreciation of this style of parental solicitude by making up for lost time as soon as they are out of sight. En-

forced idleness and too much chaperoning in time becomes unendurable.

“If you wish your daughter to feel that life is worth living you will permit her to be occupied in some pursuit which engrosses her mind. You will not stifle her ambition and deprive her of the satisfaction of earning—for services actually rendered—an honest dollar. Money earned in the theatrical profession is honestly earned. The stage to-day is not what it was years ago. An ill-bred, vulgar person will not be tolerated, even in a second-rate burlesque company. . Many of the most refined and cultured young women (and with the consent of their parents) are now adopting the stage as a means of livelihood. A few years ago this was not the case. I do not mean to intimate that good and noble women were not to be found on the stage in days gone by, but never before in its history were so many of this kind on it as at the present time.

“Those who talk the loudest about the tribulations and depravities of stage life have had no stage experience. They are ignorant of the facts; they entertain puritanical notions regarding the theatre; they are narrow-minded, bigoted and afflicted with false pride.

Each year, however, as we become more enlightened this prejudice becomes less pronounced. The stage, as well as the world, is advancing—not deteriorating. Every person cannot join the Profession. We are not all sufficiently inviting and prepossessing in appearance; nor have we all the talent to act, or to sing and to charm and dance and amuse and interest and entertain and distract the mind from the everyday cares of life. If a young woman believes she possesses this gift, does it signify that she contemplates disgracing herself or friends? And if she attempts to develop it, should she be disinherited and ostracised?

“Without occupation there can be no happiness; and life without a future is not worth living. Why then blight the happiness and even the lives of those who wish to be engaged in a congenial and honorable occupation and look forward to a future?”

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Anything improper about this circular? And yet the newspapers tried to convey the idea that it contained a hidden meaning.

It was when these circulars, in large quantities, were going out and business



was coming in that Smith, who had always prided himself on the fact that he had never in adversity nor in the joys of prosperity permitted himself to become affiliated with any woman, lost his heart and I lost Smith. And as I stood alone, without my "old standby," while our business, figuratively speaking, was bowling along under a clear sky and full spread of canvas, I felt sorry for him, sorry he was not on board, that his fiancée had turned his head, that she had persuaded him to eschew theatricals, settle down and live the simple life.

Often when we feel sorry if we could only look ahead far enough we should feel glad. And at this particular time I could not see far enough ahead to sense danger. I did not know that away off in the distance there were treacherous, hidden rocks, only occasionally showing their peaks above the water and that I was heading straight for them; but later, when it was too late and when the crash came and the bottom came out and I could feel myself sinking, then I was glad that brave, unselfish and loyal Smith, who had weathered so many storms, was not on board and was not being carried down with me.

## CHAPTER VI.

ALMOST two years had elapsed since the over-zealous License Commissioner, Keating, had attempted to block my progress. During these two years I had missed Smith more than a little, yet I had made real progress.

In the latter part of 1905 I let it be known that if any clients of mine were dismissed during rehearsals without being compensated for time lost while rehearsing, I would hold the "management" responsible.

Complaints had been coming in to me from several of my clients. It seems that for years it had been a custom with theatrical managers, when rehearsing a company, to hold out false inducements. Day after day and week after week their stage directors encouraged more to rehearse than they might ultimately require. No salaries are paid during rehearsals; this is

understood; but when a young woman is induced to rehearse with the tacit understanding she is to have a contract, and then, at the last moment, owing to no fault of her own, is told that her services will not be required, it is akin to robbery. To waste all this time; to rob a young woman of it; to lead her on; to keep her rehearsing, spending carfare and lunch money, and at times even pawning jewelry to provide the necessities of life, as she struggles on without pay under the mistaken impression she is to be engaged, did not seem to me like a square deal.

The managers claimed that they received no benefit in rehearsing these extra girls and, therefore, the young women, if dismissed, should expect no compensation. But I maintained that this was not a valid reason. If it did the managers no good why did they invariably rehearse a larger chorus than they contemplated employing? Was it not to insure themselves against possible financial loss by having trained substitutes ready to fill vacancies which are liable to occur during the formation of a company?

If a manager insures his theatre against fire, and if it proves an unnecessary precaution,

does he derive benefit from his insurance policy? Can he, under such circumstances, compel the insurance company to remit the premium? What right has he, therefore, if he insures his production against disaster, and it proves an unnecessary precaution, to compel the young women to remit the premium? Why should they foot his bill? It was the custom, but I decided to change the custom; not from philanthropic motives; it would not be becoming in me to pose as a philanthropist; but from selfish motives, as a matter of business policy. Realizing that we can best help ourselves by helping others, I proposed to help others, my clients, by rectifying the imposition which had heretofore been practiced upon them. With this end in view I retained counsel and forthwith proceeded, according to section 3221, page 924, of the Code of Civil Procedure of the State of New York, to bring the theatrical managers "up with a round turn."

I issued a circular authorizing clients of mine dismissed in this unjust and uncereceremonious manner to report to my lawyer, Irwin E. Ziegler, who would prosecute their claims and pay over to them the full amount recovered without deducting therefrom one dollar for

legal fees or disbursements. This circular created a sensation, and resulted in doubling my business, but it brought down on my head the everlasting wrath of the theatrical managers, who had formerly been cordial in their business relations with me.

Some people, even with the best intentions, have the unhappy faculty of making enemies, and now I had not only the agents but the theatrical managers against me. Yet I was transacting, as my books showed, far more business than ever before. The members of the Profession came in droves to commend me for the stand I had taken against the managers. It is pleasant to be "lauded to the skies;" we like to listen to it; and in order to have time to listen I suspended business and set apart one afternoon each week, and gave a "five o'clock tea."

At each affair a different hostess presided, but chaperoned by her mother. It was a "crush," yet they all seemed to enjoy themselves; and when I think of those days, the sparkling wit, the fun, the pleasant greetings, now only a memory, gone, perhaps never to return, it makes me long to have my license back; my agency license, unjustly withheld

from me (as will be hereinafter shown), and to live over again the life of, and to be again, a theatrical agent.

If we cannot get enjoyment out of our business, if we are waiting for a time to come when we can afford to retire and take things easy before enjoying life, we may die without knowing what it is to live.

I have lived; but now, with a teapot and three hundred and thirty-six transparent imitation Dresden china teacups on my hands and no use for them I am beginning to feel a little lonesome. Some persons are so dead sick of their own society that they feel lonesome all the time unless in the society of others. At the time these cups and saucers were doing service I was conceded to be the most extensively advertised theatrical agent in the United States. I had practically cornered the chorus girl market; everyone said I had them all, and there was truth in it. Even the theatrical newspapers admitted that I was master of the situation. Every theatrical agent in the city, when it came to filling a large order, was at my mercy. By raising a finger I could turn the tide in his direction, or I could turn it in the direction of some other theatrical



agent, or I could ignore all the agents and send my clients direct to a manager. He could not give a show without the young women, and if he did not take them from me he could go without them. The fact that I would not permit a client of mine to be discharged, during the rehearsing season, without compensation, might make him "fume" a little, and he might, for a bluff, "turn down" applicants coming from my office; but in the end he would swallow his pride and take them; not because he wanted to, but because he knew that if he did not take them from me directly he would have to take them from me indirectly, through other agents, as I practically controlled, as previously stated, almost the entire chorus girl output.

The epithets used, by some of these managers and agents at this time, in connection with my name did much to make it known. It is our rankest enemies, not our loving friends, that advertise us, and for quite a period I was the most talked about person on the "Rialto." I was blamed and I was praised. If I happened to drop in at any one of the all-night restaurants along the "Great White Way," for every one manager or agent who defamed me

when I was not looking, a hundred "show girls" upheld me and drank to my health when I was looking.

But it was not only in New York; the news had "spread like wildfire"; and in Boston Philadelphia, Chicago and San Francisco my circulars offering to protect my clients, free of cost to them, were read with avidity; read in secret by the young women when down under the stage in their dressing-rooms with doors securely locked.

The mere fact that this particular circular was kept by my clients under cover away from the eyes of the managers was enough to make every young woman in the company want to see it and want to know all about it. Men dislike details, but women want *full* particulars. What is two dollars to a "front row chorus girl," compared to rehearsing two months with the risk of then being dismissed without cause and without pay? It was not to be considered; and when the next rehearsing season came around the two dollar bills flowed into my office twice as fast as they ever had before; and those who paid them were protected, absolutely. We did not lose a case, for the

obvious reason that the managers knew they did not have a leg on which to stand, and so settled all claims, instituted by my clients, out of court. Some of the managers would reconsider the matter when they realized what might happen to them, and would reinstate the chorus singers who had been cast adrift at the last moment.

Thus it can be seen that I was successful in rectifying this unjust custom; a custom which had existed for years and which, now that I am no longer a theatrical agent, again exists.

I have explained in detail why I was not popular with certain theatrical agents, and I have explained in detail why I was not popular with certain theatrical managers, in order that the reader may understand the motive these men (not all, but several) had in combining, and in using their influence, politically and otherwise, to have me driven from the theatrical field.

Money—the love of which is the root of all evil—was the moving power. I was a “thorn in the side” to the agents and an expense to the managers, and when you touch a man’s pocket you touch him in a tender spot.

## CHAPTER VII.

DO NOT misunderstand me. Although in certain quarters the feeling against me was running high, not for one moment do I accuse all the theatrical managers, or all the theatrical agents. Many of them, and over their own signatures, have assured me that they took no part in the disgraceful proceedings instituted against me. Probably not more than twenty per cent. were implicated, and these acted without the consent or knowledge of the president, or the board of directors of the Theatrical Agents' Society.

The treasurer of the Society, in 1906, Webster Cullison, was one of the prime movers against me. Mr. Cullison on June 21, 1905, wrote to me stating that he was in urgent need of one thousand young women for chorus work. He had received large orders and was unable to fill them. I declined to accept his

order on the ground that I was, at the time, deluged with orders of my own received directly from theatrical managers. After reading my letter to this effect Cullison sent Philip Watkins, manager of his operatic department, to my office to try to persuade me to execute a part, if not all, of his order; but in justice to my clients I could not do so. It was against my rules, if I could prevent it, to subject clients of mine to additional expense; if I had it in my power to place them directly with managers I did not propose to allow another agent to make another fee out of them. But if I could not "book" them directly, and if some other agent could, then it became optional with them as to whether or not they cared to pay the additional fee, and if they did desire to do so I would give them letters of introduction to the other agent.

Watkins explained the situation to Cullison, and later informed me that Cullison was highly incensed at me for the stand I had taken. Miss Grace Proctor, Miss Beatrice Phelps and Miss Mabelle Texas also told me that Mr. Cullison had spoken disparagingly of me to them, and all because I would not permit him to make a few hundred dollars (in

commissions) out of my clients. Evidently he felt sore; it must have rankled in his breast a long time, over eight months, as on March 20, 1906, he sent out an invitation to his brother agents, whose orders for the same reason I had also rejected, inviting them to meet him in his office Sunday evening, March 25, 1906, to discuss (as he put it) : "that man Flagg."

In his letter asking me to help him fill his orders it was "My Dear Mr. Flagg;" but now (as he no longer could see any prospect of making money out of my clients), it was "that man Flagg."

About fifteen theatrical agents attended this Sunday night conference, and from all accounts they had a lively session. The stenographer, whose duty it was to record the minutes of the meeting, had her hands full.

We wanted those minutes. By we I mean Assistant District-Attorney William Marshall and myself. We were under the impression they might afford us a foundation upon which to base an action of criminal conspiracy. Mr. Marshall tried, at three different times, in my behalf, to get them. District Attorney William Travers Jerome also served papers on Cullison demanding that they be produced



in his, the District Attorney's, office, but they did not materialize. Some one, no one knows who, spirited them away, and all those who had attended the meeting were as "dumb as clams." When people simply won't talk it is difficult to prove conspiracy. Under such circumstances, although a man is morally sure that certain persons have conspired to ruin him, it may be impossible to prove it at the time; but if he will "bide his time," sooner or later, the truth "will out." As previously stated, I have been biding my time; and now, years after that rainy Sunday night—that night when the conspirators met in secret behind locked doors, in the office of Webster Cullison, No. 1402 Broadway, New York City—the truth is beginning to unfold itself before me.

It is true that this secret session took place on the evening of March 25, 1906. Cullison himself admits it; also admits that they convened for the purpose of discussing me. Just how they discussed me I cannot state literally, but judging from their subsequent acts and the acts of others, it is fair to assume that the spokesman, in substance, spoke as follows:

Flagg is acting the part of a dog in the

manger. He is cutting commissions. He refuses to recognize our Union and wants the 'earth.' Our very existence is threatened. If Flagg keeps on expanding we may as well close up shop. He knows enough to conduct his business lawfully, so we have no way of revoking his license; but as it is about to die a natural death, expire by limitation, the law gives us the privilege to object to his procuring a new one. It is now the 25th of March. Next month he will put in his application for a new license, and we shall then have the legal right to pass over that period of his life in which he has been engaged in the theatrical agency business, and rake up the past. We can go away back to the time of "Flagg's Flats," and show from his record when engaged in the flat business, that he is not entitled to a license. This will be easy now that we have the License Commissioner and two benevolent women's leagues with us.

If we were alone in this matter; if it were our Society only that objected, it might occasion comment. People might think we were interested witnesses, competitors; but with the Woman's Municipal League and the Woman's Rescue League as joint complainants with

us, it will be different. No person will say that these leagues are pecuniarily interested. Bogart, the License Commissioner, is anxious to have everything look all right, to seem straight; and you cannot blame him. Only recently he has been appointed Commissioner, and Flagg might show fight—might attempt to make trouble for him, and in such an event Bogart would rely not so much on us as on the benevolent leagues. A theatrical agents' society can hardly be called a religious society, and the Commissioner knows, and we know, that the Mayor would not be likely to extend to our society much consideration. But McClellan, or any other man, would not dare even to intimate that Charlotte Smith, the venerable head of the National and International Woman's Rescue League was actuated by other than philanthropic motives. So with the Woman's Municipal League. Look at its board of directors. Those names carry weight. With the co-operation of these two leagues I do not hesitate to say our victory is as good as won, etc., etc.

If the reader cannot understand why the flat business should be connected with the theatrical business let him consider the following il-

lustration: Suppose, for example, a physician had built up a large practice by charging a small fee; suppose certain other doctors had said to him, "Here, this thing must stop; if you do not charge your patients as much as we charge ours we will bring influence to bear and have your license taken from you. Then if you persist in practicing without a doctor's certificate we shall see to it that the authorities jail you." Suppose they had talked like this to him and suppose he had said to them: "You can't do it," and they had replied, "Oh, yes we can, and we will tell you why. Years ago, long before you thought of becoming an M.D. you owned and leased flat buildings all over the city, and some of your West Eighteenth street tenants, on a hot night in the dead of summer, went up on the roof and after old man McGoff's daughter—the one with the nightingale voice—had warbled to the entertainment of the others, for an hour or so, they all joined in and commenced to sing 'She is the Sunshine of Paradise Alley.' This disturbed the peace of the neighborhood. Think what that means. We do not say you were present; in fact, we are aware you were not; we know you did not live on the premises, and that you were in

Long Branch, N. J., registered at the Ocean Hotel, at the time; but that does not exonerate you in the eyes of the law; they were your buildings and your tenants, and, when on the stand and under oath, you had to admit it. Therefore you are not a fit person to practice medicine, and we are sure the authorities, when appealed to, will so decide."

Now possibly the reader, if versed in legal lore, may understand the connection, but it "beats" me. I never could see where it "came in." Yet this was my case exactly, only instead of being a licensed physician I was a licensed theatrical agent, and the other agents were sure that I was not a fit person to conduct a theatrical agency because ten years previously a handful of my tenants, in a certain part of the city, had disturbed the peace of the neighborhood; wherefore they appealed to the authorities.

On the first day of each May in each year a theatrical agent's license expires. Then if the agent wishes to continue in the business he must make application for a new license; and under the license law, as recently amended, it is left entirely to the discretion of the License Commissioner as to whether or

not he will grant a license. Actuated by prejudice, spite, animosity, political influence, a desire to accommodate friends or to obey the commands of a district leader, or for any other unlawful cause he may say, "In my discretion I decline to issue a license." And the applicant, however, worthy, has no redress other than an appeal to the Appellate Division of the Supreme Court, which entails an enormous expense and a delay of about eighteen months.

My application for a new license was denied, but, as previously stated, no reason could be shown why my old license could be revoked; and, as a matter of fact and record, *it was not revoked*; statements made by the newspapers to the contrary, notwithstanding. My enemies were obliged to wait until my old license had died a natural death, expired by limitation, before objecting to its renewal. But when the time arrived to apply for a new license, May 1, 1906, then it was that my enemies put the so-called benevolent women's leagues to the front.

The fact that there had been nothing in the legal or moral conduct of my agency business during the years in which I had been engaged



in it that any person could object to, was not to be taken into consideration. The "Honorable" John N. Bogart, License Commissioner, in the exercise of his discretion, ruled that that had nothing to do with the matter. Did my West Eighteenth street tenants ten years ago disturb the peace of the neighborhood? That was the question and, to settle it, he, the herein named Commissioner, allowed the allies of the theatrical agents, the so-called women's benevolent leagues, to go back to the time of my "flat" trial, 1896, and assign it as a sufficient cause why I should not, in 1906, ten years later, be legally permitted to honorably compete against the theatrical agents.

The Theatrical Agents' Society made no complaint against me but, nevertheless, certain members of their Union were instrumental in securing the services of Charlotte Smith of the alleged Woman's Rescue League, and Helen Arthur of the Municipal League, to aid the License Commissioner in "pulling the chestnuts out of the fire," so to speak.

In New York City there are many societies, also individuals, trying to make a living without working; parasites who eke out an existence by humbugging the people, and the

meanest of all are those who obtain money under false pretenses, by begging in the name of charity; who pretend to be interested in the unfortunate; but who, in reality, are only interested in themselves.

These imposters, the majority of whom are women, filch money from kind-hearted persons in all walks of life by conveying the impression it is to be used in helping the helpless, whereas the major portion of the funds so collected are misappropriated and used in helping themselves. To facilitate collections these unprincipled professional beggars often unite and form what they call a "League."

In forming a benevolent "League" of this kind, the first requisite, after the promoters have endowed it with an impressive name, but no cash, is to rope in a few confiding estimable women and make a dummy board of directors of them. This gives prestige to the organization, and enables the conspirators to carry on their calling with profit to themselves. Reputation is more to these people than justice. They are more anxious to seem saintly than to be saintly. They have no respect for truth, care nothing for facts, but are slaves to custom. They subsist on public approval; and

the so-called officers, those who pay to themselves the salaries, are ever on the alert to suppress their unrighteous and make known their righteous acts. They would bill the town like a circus and blazon their good deeds far and wide, if it did not cost money to advertise. It is against their principles to pay for anything, but if they can jump on any one, and thereby gain a little free advertising, they will, with or without evidence, pick up their skirts and jump.

The License Commissioner and a few of the smaller theatrical agents, realizing this fact, and the importance of having arrayed against me seemingly powerful and reputable witnesses, invoked, as previously stated, the co-operation of the aforementioned so-called benevolent leagues. Therefore the question arises, were my business competitors, those who had connived with these "Leagues," and the License Commissioner, guilty of criminal conspiracy?

When two or more persons combine to injure another person's reputation or business, that, in the eyes of the law, constitutes criminal conspiracy.

Judge Hough, of the United States Court,

when instructing a jury regarding conspiracy, said: "A conspiracy is a confederation to effect by unlawful means a legal end, or by legal means an illegal end. It is not necessary that two or more men meet and formally enter into an agreement or unlawful scheme. It is enough, if two or more men, in any manner, come to a mutual understanding to accomplish an unlawful design. All parties become partners to a conspiracy, even if the part is a subordinate one.

"Our statutes insist that at least one shall actually perform some act to effect the object of the conspiracy. The act must be an overt one, but not in itself a crime."

In reply to a juror's question, "Does criminal intent to commit the overt act have to be shown?" Judge Hough said, "If the acts speak for themselves you are at liberty to infer the intent."

I shall leave it to the reader to determine whether or not the acts, hereinafter set forth, of those who conspired against me, speak for themselves. If they do, then according to Judge Hough (and no one can say he is not an authority) the reader is at liberty to infer the intent.

I shall tell you who they are and cite their acts, the acts of the leading actors in chronological order, one at a time, so that the reader may see if the acts of each "speak for themselves."

Charlotte Smith. Who is Charlotte Smith? She styles herself President of the "National and International Woman's Rescue League." No address.

I quote from the minutes of my third hearing before the License Commissioner:

By H. D. Mildeberger (Mr. Flagg's lawyer): "Mrs. Smith, where is your league located—your office?"

"We have no office just now."

"Did this league of yours ever have an office?"

(Witness refuses to answer.)

"Is it not a fact that your Rescue League is a myth?"

(Witness refuses to answer.)

By Lawyer Goodhart (attorney for the alleged "Woman's Rescue League"): "I object to all further questions about this league. We will allow it to be understood that this witness does not appear here as representing any league, but simply as a private citizen."

By Mr. Mildeberger. "This woman has been giving it out, representing to the public and to the newspapers that she is the President of the Woman's Rescue League. I claim and I can prove by affidavits and by the Society for the Prevention of Crime and by other equally credible witnesses that no such league exists; that it is a myth and that this witness is an impostor. I also claim these questions in order to attack the credibility of the witness, and this I have a legal right to do."

By the License Commissioner: "You might have that right in a court of law, but WE DO THINGS DIFFERENTLY HERE. I will not allow any questions regarding this league because according to the statement of the attorney who represents this witness, no such league appears here or is represented before me."

So much for Charlotte Smith. Now Helen Arthur. Who is Helen Arthur? She is a lawyer in petticoats; the legal adviser and head of the "Research Department" of the Woman's Municipal League, 19 East Twenty-sixth street, New York City. But with all the facilities of the "Research Department" of this league at her command she



failed to find or coerce any person (and she tried for weeks) who could, or did, have aught to say against me. Furthermore, although she was looking for trouble, looking for it all the time, she failed to discover anything out of the way, in the conduct of my business, the conduct of my customers, the conduct of my young women clients, or my own conduct; and subsequently she so stated in writing and I hold the original letter. And this letter was given to me after this league had employed both men and women accomplices to call at my office and try in every way possible, by lying and spying, to entrap me. But I never would have known this had not Helen Arthur told me.

It was only at rare intervals that improper proposals were made to me, and when made by a woman I would order her out of my office, and when made by a man I would kick him out.

Miss Arthur knows what happened to the man she sent to me, and yet, knowing how he made his exit from my office, she—Helen Arthur—to accommodate the License Commissioner, although she had no complaint to enter against me, appeared at my hearing, March

28th, 1906, thereby conferring upon the Commissioner the benefit of the prestige of the league she represented.

Bogart evidently believed that it would "clear his skirts" of being in collusion with the other conspirators to say the Woman's Municipal League had appeared against me; and so anxious was he to be able to say this that he asked Helen Arthur (so she says) to be present with or without a complaint, and to accommodate him she was on hand and did the best she could. She "button-holed" the reporters, and also the Associated Press representative, and intimated to him and to the others that "Some day—some day, the Woman's Municipal League, now that I am at the head of its 'Research Department,' may have a complaint to lodge against Flagg." "Some day—some day"—Lawyer Helen Arthur may become a Justice of the Supreme Court.

Later, realizing the gravity of the crime she had committed, and having heard that the District Attorney had made demand on Cullison to produce the minutes of the secret Sunday night meeting, and fearing a prosecution for criminal conspiracy, this weak-minded woman

retracted in writing all that she had said against me. So much for Helen Arthur.

Now Goodhart. Who's Lawrence G. Goodhart? He says he is Austin Davis, the theatrical agent's lawyer, and there is no question about it. Some time prior to the March 25, 1906, Sunday night meeting, Davis instituted a damage suit against the Morning Telegraph Publishing Company, Eighth avenue and Fiftieth street, New York City, and as Goodhart's name appears on the complaint as the attorney of record, it is proof positive that Goodhart is his lawyer. Please do not lose sight of this fact, nor of the fact that Davis is a member of the Theatrical Agents' Society.

Away back, years ago, long before any theatrical agent wanted to put me out of business, Charlotte Smith introduced herself to Goodhart's client, Austin Davis; and, as time rolled by, became well acquainted both with Mr. and Mrs. Davis; but they did not become so well acquainted with her. By her hypocritical representations they were led to believe that she was a Christian woman.

Early in the month of September, 1905, she dropped into Davis's office to have a "heart to heart" talk with him and his wife. She

wanted them to supply her with "talent" free in order that she might give herself a benefit, but she did not say so to Davis. She told him the proceeds of the proposed benefit were to go to Bertha Claiche, the poor "white slave girl," at that time incarcerated in the Tombs, charged with murder.

Davis, impressed by Mrs. Smith's seeming good intentions, agreed to help her out, supposing, of course, as also did the performers, that the money really was to go to the poor "white slave girl." But Davis knows better now.

The entertainment was given in Association Hall, No. 160 West Twenty-ninth street, New York City, September 28th, 1905; but Charlotte Smith, so it is said, got away with the entire box-office receipts. At all events this much is certain, Bertha, for whose benefit the entertainment was supposed to have been given, did not receive a penny and wrote Davis a letter, from the Tombs, to this effect.

Davis is one of the kind, whose temperature rises and falls in a hurry, and when told that Charlotte Smith had skipped with Bertha's box-office receipts he was hot, but he cooled off.

In December, 1905, after the Bertha Claiche affair had "blown over," the alleged president, Charlotte Smith, of the fictitious "National and International League" again "turned up" at the theatrical office of Austin Davis. This time she was more modest in her demands. She did not mention "benefit," she substituted a different word—"accommodate." If Davis would accommodate her by writing two letters, on his theatrical letterhead paper; one asking her to rescue certain young women who had been enticed into an immoral resort, and the other, dated two weeks later, thanking her for having done so; in other words, thanking her for having rescued young women who did not exist; it would place her under obligations to him. She wanted these two letters for begging purposes. She needed the money and the letters were important; she could show them, use them as evidence to prove that she was consecrating her life to a noble cause—the rescuing of the fallen; whereas the only case on record, the only person whom she was ever known to have rescued from want, was herself, and she accomplished this by begging from and imposing on the charitably inclined.

When Mrs. Davis discovered that Mr.

Davis had signed and given this woman these two letters she became excited. Women do, sometimes, become excited; and Mrs. Davis told me herself that she had no use for women of the Charlotte Smith stripe. But Mr. Davis explained to his wife, and I was present at the time, that Mrs. Smith was a dangerous and scheming woman; there was no telling what she might do; she might have made trouble for them both had he refused to comply with her request. He gave her the letters not because he wanted to, but because he considered it the part of discretion not to incur her enmity. He admitted to his wife that he would like to have his letters back, and told me he had already consulted his lawyer, Lawrence G. Goodhart, about the matter, and Goodhart had advised him to have no more dealings with the woman as she was unquestionably an impostor.

It is important to keep in mind that all this—my conversation with Mr. and Mrs. Davis and his interview with his legal adviser, Goodhart, relative to the two begging letters—took place in 1905. It was in this year that Davis signed the spurious begging letters to accommodate Charlotte Smith; and it was in 1906



that Charlotte Smith signed a spurious complaining letter to accommodate Davis.

The day after the secret Sunday night meeting, held March 25th, 1906, in Cullison's office, for the purpose of discussing me, Charlotte Smith called on Davis's lawyer, this self-same Lawrence G. Goodhart, attorney-at-law, No. 21 Park Row, New York City, with a letter of introduction, dated one day later, March 26th, 1906. This is not disputed.

Now who sent her to Goodhart's office? Did someone at that secret Sunday night meeting, held the evening before the day she called on Davis's lawyer, make a motion that she, Charlotte Smith, be secured to aid them in their effort to deprive me of my license; and did it go down on the minutes of the meeting that this pretender was to co-operate with them in the conspiracy to put me out of business?

Now do you understand why District Attorney Jerome could not lay hands on those minutes? Can you imagine why they were spirited away; why every "mother's son" of them in that room, that night, there assembled for the purpose of discussing me, would rather be fined and sent to jail for contempt of court

than be "brought up" on the more serious charge of criminal conspiracy with ten to twenty years staring them in the face? Can you blame them, under such circumstances, for doing away with such incriminating evidence, the minutes of such a meeting?

Davis was a member of the Agents' Union. Goodhart was his lawyer. The day after the union held its meeting, Mrs. Smith was closeted with Goodhart and the outcome was the following letter. I quote from the minutes of my first hearing before the License Commissioner.

By Commissioner Bogart: "Under date of April 3d, 1906, I received the following letter, addressed to the Commissioner of Licenses: Dear Sir—My client, the Woman's Rescue League, instructs me on its behalf to protest against the granting of a renewal license to one Jared Flagg. And to support its protest, respectfully calls your attention to the following facts: Mr. Flagg has been advertising in the daily papers for young girls to act as artists' models; and in this connection, and as bearing upon Mr. Flagg's fitness to conduct such an agency and for such a purpose, the enclosed memorandum and letter taken from the files

of the Woman's Rescue League will prove interesting. If you desire any other information upon this point the officers of the League stand ready to appear before you at any hearing you may fix. My client further instructs me to call your attention to the fact, publicly reported in the daily newspapers, that Jared Flagg served under his own name at Auburn State's Prison, a sentence of about two years for the crime of decoying young girls to houses of ill-repute which he rented for that purpose. Of course I make these statements as attorney for the League, and my client stands ready to back them up by ample and sufficient evidence.

As I have stated, the enclosed copy of a letter and explanatory note is taken from the files of the League. The letter was sent to Mr. Flagg and there is every reason to believe it was received, as my client's name and address was in the corner of the envelope upon its regular printed form and the letter has never been returned by the post office.

"Very truly yours,

"LAWRENCE G. GOODHART,

"Attorney for Woman's Rescue League."

It cannot be presumed that an out and out

fool could become a member of the New York Bar. Therefore, conceive if you can, an intelligent lawyer holding some such conversation as the following with a half-witted old woman:

Intelligent Lawyer: How did you make out last year with those fake letters you got Davis to write for you for begging purposes?

Old Woman: Those letters paid well and I feel deeply obligated to Davis, and that is why I am here.

Intelligent Lawyer: Yes, I know. So I am to put in legal form that the Woman's Rescue League wishes to make a protest against the granting of a renewal license to one Jared Flagg?

Old Woman: That's the idea. We propose to put him out of business. He's a bad man. He once bribed Reverend Doctor C. H. Parkhurst and President Theodore Roosevelt to testify for him.

Intelligent Lawyer: Don't say that, my dear madam, that's a little too much. We want the charges we bring against this man to seem, at least, half-way reasonable.

Old Woman: But it is true, he bribed them all right. I am the president of the "National

and International Woman's Rescue League'' and I ought to know. I may not be so sure about Roosevelt, but I know all about Parkhurst and Flagg.

Intelligent Lawyer: And you desire me to call the License Commissioner's attention to the fact that Flagg has been advertising in the daily papers for young girls to act as artists' models?

Old Woman: Yes. Isn't it disgraceful?

Intelligent Lawyer: In what papers does his advertisement appear?

Old Woman: All of them I suppose.

Intelligent Lawyer: Name one.

Old Woman: It was some time ago and I forget.

Intelligent Lawyer: Could I send to a newspaper clipping bureau; have the files examined and by this means procure such an advertisement?

Old Woman: There are so many advertisements I can't guarantee you'll find his, but I am sure I saw it somewhere in some paper.

Intelligent Lawyer: When?

Old Woman: How can I remember when?

Intelligent Lawyer: Was it this, or last year, or the one before that?

Old Woman: Really I cannot say. It's too bad. I should have preserved the paper.

Intelligent Lawyer: Oh, well, never mind, you are sure you saw it somewhere and we'll "stick" it down anyway.

Old Woman: I have a memorandum or letter that might prove interesting to the Commissioner, but I do not know what I did with it.

Intelligent Lawyer: Who wrote it?

Old Woman: It was not signed.

Intelligent Lawyer: Positive you cannot find it?

Old Woman: Not to save my life. I have looked everywhere.

Intelligent Lawyer: Oh, well, never mind, we'll make a bluff that we have such a letter and "stick" it down anyway.

Old Woman: If the Commissioner wants any information about this lost anonymous letter, tell him the officers of the "Woman's Rescue League" stand ready to appear before him at any hearing he may fix.

Intelligent Lawyer: Then you have officers? I thought you were the whole thing, president, secretary and treasurer.

Old Woman: I am, but Miss Burt, of 132



West Sixty-second street, might say that she is the secretary. She is a friend of mine.

Intelligent Lawyer: But you have no headquarters, no office, no home for the fallen?

Old Woman: Perhaps Miss Burt would let us call her flat our headquarters.

Intelligent Lawyer: How large is her flat?

Old Woman: Kitchen, bedroom and bath.

Intelligent Lawyer: Oh, well, never mind, we'll call it a home for the fallen and "stick" it down anyway.

Old Woman: It was reported in the daily papers that Jared Flagg served under his own name, in Auburn State's Prison, a sentence of two years, for the crime of decoying young girls to houses of ill-repute which he rented for that purpose.

Intelligent Lawyer: Can you name any one of the daily papers that published all this?

Old Woman: How can I remember the names of the papers?

Intelligent Lawyer: I wish you could mention the name of at least one paper, or the name of at least one of the girls, or the location of one of the houses to which he decoyed the girls, or the Court before which he was tried and convicted, or the time when he was

sentenced or some one of the essential circumstances, so as to make it look a little better to the newspaper reporters who will, in all probability, be on hand when we publicly charge him with being a convicted felon.

Old Woman: I wish I could, but I can't.

Intelligent Lawyer: Oh, well, never mind, we'll "stick" it down as the truth anyway.

Old Woman: That's about all.

Intelligent Lawyer: That's about enough, and before I get through with him he will rue the day he refused to join the Agents' Union. Oh, by the way, I think we had better put in that my client stands ready to back these charges up by ample and sufficient evidence.

Old Woman: But you know I have no evidence.

Intelligent Lawyer: Oh, well, never mind, we'll "stick" it down anyway.

Old Woman: Be sure to sign your name as attorney for the "Woman's Rescue League"; it will look well in the newspapers.

Intelligent Lawyer: Legally I have no right to represent a make-believe league without an address.

Old Woman: I cannot help that. If this case gets in the newspapers it will advertise us

both. The newspaper account of this hearing will be worth money to me. I can show it to people. It will prove that I am really the president of the "Woman's Rescue League," and it will help me in getting subscriptions for myself. I can explain to the charitably inclined that it takes money to retain lawyers, so I want you to sign the letter.

Intelligent Lawyer: Oh, well, I ought not to do it, but I'll "stick" it down anyway.

I do not claim that the foregoing conversation occurred.

The intelligent lawyer, Goodhart, undoubtedly explained, as best he could, to his half-witted, old woman client, Charlotte Smith, how he desired her to act when on the witness stand, but it is problematical as to whether he questioned her at all regarding the bogus charges he, as attorney for the bogus "Woman's Rescue League," proposed making and ultimately made against me. If, however, he did question her, it is reasonable to assume that her replies to his questions were, in substance, the same as her replies to my lawyer's questions when he cross-examined her regarding the same bogus charges. If this is so, then Goodhart heard before, observe, before he

made the charges against me, he heard, from the lips of his own client, Charlotte Smith, that she could not produce one witness, or a scrap of evidence of any kind, to substantiate any one of the charges he was about to make on behalf of the bogus "Woman's Rescue League." And yet, cognizant of this fact, he deliberately, in public, with the room full of reporters, at my hearing before the License Commissioner, made them. He made them knowing that every newspaper in the city would publish them as true, and this is just what they did do.

At my third hearing, several days later, before the License Commissioner the charges he had previously made were proven ABSOLUTELY FALSE and without foundation. But the newspapers made no mention of this fact.

I quote from the minutes of my third hearing before the License Commissioner, that the reader may know the replies Charlotte Smith made when testifying under oath, to my lawyer's questions relating to the false charges contained in the aforementioned letter, which was read to the newspaper reporters at my first hearing.

(By H. D. Mildeberger, Mr. Flagg's law-

yer.) "Mrs. Smith, you charge Mr. Flagg with having advertised in the daily papers for young girls to act as artists' models?"

Mrs. Smith: "Yes."

Mr. Mildeberger: "Can you mention the name of any paper containing any such advertisement?"

Mrs. Smith: "No."

Mr. Mildeberger: "Can you remember when you saw any such advertisement?"

Mrs. Smith: "No."

Mr. Mildeberger: "As bearing on this subject it is stated that a memorandum or letter taken from the files of your 'League,' will prove interesting to the Commissioner. Was any such memorandum or letter sent to the Commissioner, or have you any such memorandum or letter in your possession?"

Mrs. Smith: "I did have, but can't find it."

Mr. Mildeberger: "It is stated that the officers of your 'League' stand ready to appear before his Honor, the Commissioner, at any hearing he may fix. Is this true?"

Mrs. Smith: "I don't know."

Mr. Mildeberger: "What is the 'Woman's Rescue League?'"

Mrs. Smith: "I am the president of the

National and International Woman's Rescue League."

Mr. Mildeberger: "Who is its vice-president?"

Objected to by Lawyer Goodhart.

Objection sustained by his Honor the License Commissioner.

Mr. Mildeberger: "Who is its secretary?"

Objected to by Goodhart.

Objection sustained by his Honor the Commissioner.

Mr. Mildeberger: "Who is its treasurer?"

Objected to by Goodhart.

Objection sustained by his Honor the Commissioner.

Mr. Mildeberger: "Did you tell Mr. Goodhart that Mr. Flagg had served two years in Auburn State's Prison?"

Mrs. Smith: "I told him I thought I had seen it so reported in the newspapers."

Mr. Mildeberger: "Mr. Goodhart stated in his letter to the Commissioner that his client (meaning you) stood ready to back up these charges with ample and sufficient evidence. Did you tell him that you had such evidence?"

Mrs. Smith: "I did not."



Mr. Mildeberger: "Did you tell Mr. Goodhart that you could prove Mr. Flagg had served a term in Auburn State's Prison or any other State's prison?"

Mrs. Smith: "I did not."

Mr. Mildeberger: "Did you tell him that you could produce evidence to prove that Mr. Flagg had sent girls to houses of ill-repute or that you could mention the names of any such girls?"

Mrs. Smith: "Well, I told him I would try to find such evidence."

Mr. Mildeberger: "Well, can you mention the name of any one girl, or the location of any one disreputable house, or person, to whom a girl was ever sent by Mr. Flagg?"

Mrs. Smith: "No, but a party uptown told me he thought he had heard of some such thing."

Mr. Mildeberger: "Did you ever meet a girl, or do you know of any person who ever did meet one, who claimed to have been sent by Mr. Flagg to such a resort or to such a person?"

Mrs. Smith: "In going about, so many people tell me so many things on different matters that I can't remember."

Mr. Mildeberger: "Mrs. Smith—and I want you to think carefully before answering this question—can you produce any evidence at all to substantiate any one of the charges your so-called 'Woman's National and International Rescue League' has preferred against Jared Flagg?"

Mrs. Smith: "Since hearing that these charges had been made against Flagg in the newspapers, I have been looking and expecting to get such evidence, but have not been able to get hold of any."

Mr. Mildeberger: "That's all for the present."

Now then, if Goodhart did not question his client, did not know what her answers would be to these questions until he heard them under cross-examination on the witness-stand, whom do you suppose he questioned?

No man, however depraved, would compose such a letter, containing such charges against a person whom he knew or did not know, without an incentive.

When, where and by whom the letter was originally framed up I do not say. It was dated April 3d, 1906, eight days after the secret Sunday night meeting, held to discuss

me, in Cullison's office, and it was signed "Lawrence G. Goodhart, Attorney for the Woman's Rescue League." But at this time Goodhart did not know me from Adam. He may have heard of me, but he also may have heard of Adam, so who put him up to it? He says (and I am quoting from the minutes of my third hearing before the License Commissioner): "I wrote that letter out of charity. I am an American citizen" (he does not look it, but he says it) "and I am proud of my native city, New York. I regard this cur a menace to the community, and I want to put him where he belongs, behind the bars."

Vituperation is not evidence, but as Goodhart had no evidence this was undoubtedly the best he could do. Yet as a rule persons do not pamper their vanity to such an extent. The pride Mr. Goodhart takes in his native city would not in itself have induced him to ruin a fellow citizen's business and reputation, even if he had in his possession evidence of wrongdoing. Much less then would his pride have induced him to ruin my business and reputation, without a particle of evidence, in or out of his possession, of wrongdoing. We must therefore look for some stronger motive. He

had a motive; it was an ulterior one, and he was afraid to let it be known, but inadvertently, after a magnificent burst of vituperation displaying knowledge of the phraseology of the slums, and just as he was about to take his seat, he remarked (and I am quoting his exact words taken from the minutes): "Austin Davis, the theatrical agent, and other clients of mine have been looking up Flagg's record and I have been helping them."

That was an error. Goodhart should have kept that information to himself.

"Davis and other clients have been looking up Flagg's record and I have been helping them."

Before a lawyer will help a client he usually wants a retainer. Is this not so? Now we are getting at the motive. Goodhart was helping them. Charlotte Smith, he says, paid him no fee. This seems reasonable. The poor old lady was not in a position to pay anyone money. She had not given herself a benefit performance for almost a year. But Davis—"Davis," Goodhart says, "and other clients"—"other," of course there were others. Davis was not the only member of the Theatrical Agents' Society, and a little assessment, all

around, might have a tendency to make Goodhart "get busy." But why did he not, if they had been looking up my record, invite them down to my hearing and give them all a chance to tell us what immoral, improper, fraudulent or illegal acts of mine they had unearthed?

Out of all the theatrical agents that had been engaged, according to Goodhart's own words, in looking up my record, not one could be found to come down and testify against me. Does this not seem a little strange? Why did Goodhart not "trot" down a few of them? Why could he not coax Cullison or Davis to put in an appearance, and so give my lawyer an opportunity to ask them why they had waited until this late date to look up my record?

Cullison had known me for years. Davis had known me and had done business with me for five years. He had made commissions by placing my clients on the stage. He had, occasionally, accepted of my hospitality, and I had also, from time to time, assisted him, by referring young women and young men to him who wished to take dancing lessons. In connection with his agency he conducted a stage dancing academy. He once offered, and wanted me to

accept, in consideration of sending these extra pupils to him a part of his tuition fees. But I felt that both he and his wife worked hard for their money, and were entitled to it all; so, refused to take one dollar from him.

Davis has written me many letters. One will suffice to explain the tenor of all:

“AUSTIN DAVIS THEATRICAL EXCHANGE,  
45 West Twenty-ninth Street,  
New York, September 29th, 1904.

Mr. Jared Flagg:

*Dear Sir.*—A few lines to thank you for remembering the office. The young lady called to-day and arranged with my wife for a complete course of chorus training. In regard to the other young ladies I will let you hear from me in a day or two as to the exact time I shall want them in the city. I refer to the six I spoke to you about.

Would be pleased to have you call in any evening you can conveniently do so. With best wishes from us both, I remain,

Yours respectfully,  
(signed) AUSTIN DAVIS.”

The reader may notice that this communication is dated September 29th, 1904. It was



along in 1905 and 1906 that Davis and Cullison and some of the other agents commenced to feel uneasy because the theatrical managers were pouring in their orders to me direct, thus curtailing their income—the fees—that is, the fees my clients had formerly paid to the agents for “booking.” Now I was doing the “booking,” and yet only charging my regulation two dollar per year registration fee. This Davis, and some of the other agents, thought was a little “too much of a good thing.” Davis became alarmed, and started in with others, so Lawyer Goodhart says, to look up my record. He said it and it is down in black and white on the minutes of my third hearing before the License Commissioner. But how embarrassing my lawyer would have made it for those agents if they had “shown up” at my hearing. Think of the letters he would have requested them to read.

At the time of my hearing there was not in all this city a theatrical agent who had not transacted business with me, and letters—I had them on file by the hundreds—letters of the most cordial kind, thanking me for favors extended. Think how these agents, I refer to the ones who were engaged in looking up my

record, would have enjoyed reading those letters, and identifying their signatures. Think of the questions my lawyer would have asked. Would he have wanted to know why in the name of common-sense they had waited so long before manifesting a disposition to investigate my morality? Could any one of them, or rather would any one of them, have dared to give the real reason? Can you not see, now, why they kept in the background, and held their little secret Sunday night meeting behind locked doors in Cullison's office, and elected to make "scapegoats" of Helen Arthur, Charlotte Smith, Lawrence G. Goodhart and John N. Bogart?

This quartette they put to the front to do their "dirty work," and the following dates indicate how well they did it:

The invitation to the secret Sunday night meeting was dated March 20th, 1906. The meeting itself was held five days later on March 25th, 1906. The letter introducing Charlotte Smith to Goodhart was dated one day later, March 26th, 1906. The letter containing the bogus charges was dated eight days later, April 3d, 1906. The letter notifying me to appear before the License Commissioner

was dated twenty-three days later, April 26th, 1906. The hearing was held two days later, on April 28th, 1906, and on May 2d, 1906, three days later, I was out of business.

Any missing links in this chain? Any link which does not connect with the preceding and succeeding one? Do not the dates "dove-tail" in, one with the other, in perfect sequence as step by step the plot unfolds itself? If dramatized verbatim and placed on the stage, could there be a better satire on justice?

"All parties become partners to a conspiracy, even if the part they enact be a subordinate one."

If the reader thinks that the party who signed and claims to have drafted the aforementioned letter of April 3d, 1906, charging me with having enticed young girls to houses of ill repute, etc., etc., committed an overt act, it is not essential that his criminal intent be shown, provided the letter speaks for itself. If the reader is under the impression that this letter, reeking, from the first to the last paragraph, with spurious, lying statements, does speak for itself, then he is "at liberty to infer the intent."

So much for Lawrence G. Goodhart. Now Bogart.

Who is John N. Bogart? He is a man who swore, when appointed Commissioner of Licenses, to conduct the business of his office in a fair and impartial manner. He is a man whom the people of this city, through their Mayor, have vested with extraordinary powers; the power to act as prosecutor, defender, jury and judge. Hence, it becomes his sacred duty to conserve the rights of the accused as well as those of the accusers, and in taking his oath of office he swore so to do, solemnly swore to conduct the License Bureau of this great city in a fair and impartial manner. But it seems to me, when I was brought up before him, he acted most unfairly. However, it is for the reader to be the judge.

Mr. Bogart knew twenty-five days before notifying me to appear before him that the charge of advertising for young girls to act as artists' models was to be made, and furthermore must have known that those who were to prefer this charge against me had no grounds for making it, and that it was utterly false.

There is no law to prevent "young girls" or even children from posing for artists. If there were no models there would be no sculptors,

pictures or statuary. But I never advertised in my life for "young girls to act as artists' models;" and, had I attempted to do so, could not, for the obvious reason that no city or country newspaper will accept an advertisement of this nature. If there is such a thing as presumptive evidence it is to be presumed that Mr. Bogart was aware of this fact. It is part of his official business to scan daily, or to have scrutinized daily, every help wanted male and female advertisement that appears in the newspapers of Greater New York. The city supplies him with these papers expressly for this purpose, and he must have known that the charge was ridiculous on its face. Yet he not only authorized it to be made in public against me, but accepted the letter in which it was made, as evidence.

Twenty-five days before he notified me to appear before him this man, who had sworn to conduct the business of his office in a fair and impartial manner, knew that the charge was to be made that I had served a sentence of two years in Auburn State's Prison. In his return to a writ of certiorari, served on him by my lawyer, he admits that he knew such a charge was to be made TWENTY-FIVE days be-

fore he allowed it to be made in public. Think of it. He admits that he knew the accusation was to be made, TWENTY-FIVE days before it was made, in public against me; and yet during all this time, three weeks and over, this high public official, who had sworn to conserve the rights of the accused as well as those of the accusers, did not telephone, telegraph, write or cause to be written, one word to the Warden of Auburn State's Prison; nor did he, or any other person, in any manner, shape or form, communicate directly or indirectly, with the Warden, or with any other person in authority at Auburn, or with the Prison Department at Albany, N. Y., or make the slightest effort, or demand the slightest proof, from any one, to substantiate the charge.

The official records of the License Bureau show that this fact stands uncontradicted and ADMITTED. Yet, in the face of it, John N. Bogart, knowing that I was transacting a large business, as shown by the bi-monthly reports taken from my books by his own Deputy License Commissioners, and submitted to him for inspection, allowed them to make this charge. Knowing, as he must have known, from these reports that I had thousands of re-



spectable young women and young men clients in this city and in all parts of the country, he sanctioned the making of this charge, the charge that I had served a sentence of two years for decoying young girls to houses of ill-repute. Before he permitted this charge to be made in public, did he know that it would be reported in the public press, and that, true or false, my business would be ruined and my reputation damned forever? Yes, he knew it. The minutes of the hearing will prove that I told him so myself at the time.

Before the letter was read aloud it was shown to me. I pronounced it a tissue of lies from beginning to end, and begged the Commissioner, almost on my knees, not to allow it to be read in the presence of the reporters until an investigation had been made. But as their ONLY aim and his ONLY aim was to have it published in the newspapers, he, John N. Bogart, in my presence and against my emphatic protest, and with a police officer at my back ready to yank me out of the room if I created a scene, this public official, whose sworn duty it was to guard my rights, ordered the letter, this letter of April 3d, 1906, containing the infamous and false charges, to be read ALOUD in public.

To be able to deal over again, year in and year out, with the same people, the same old customers, usually constitutes success in business. We call it good-will. The good-will of a good, straightforward business is valuable. Anything of value is property. Without due process of law, we have no right to deprive a person of his property. Did John N. Bogart deprive me of my property (the value of the good-will of my business) without due process of law, when he, without having made any investigation at all, gave that letter to the newspapers?

The injury was inflicted there and then. Lies have a stupendous circulation, and so quickly did the false report spread, that almost from the moment it was given to the press, my clients (and remember I had thousands of them in all parts of the country, with no way of imparting the truth to them), regarded me with derision and my office as quarantined. From that moment they shunned it as if it were infected with a plague, and probably shuddered at their supposed narrow escape. It may have been difficult for them to believe that their agent had been guilty of sending any of his clients to

houses of ill-repute, but it was in the newspapers, and so must be true. Then they began to fear that their relatives and friends might believe that they had been sent to these houses of ill-repute. So this vile charge reflected on them as well as on me.

It was not only reported in the New York daily papers, but also in the weekly dramatic papers which are circulated all over the United States and read by theatrical people everywhere.

“FLAGG SERVED A SENTENCE OF TWO YEARS IN AUBURN STATE’S PRISON FOR THE CRIME OF DECOYING YOUNG GIRLS TO HOUSES OF ILL-REPUTE,”

was the way one leading theatrical paper—*The Morning Telegraph* of May 2d, 1906—announced the news to its readers.

And the *New York Herald* of April 29th, 1906, in headline letters, stated that: “WOMAN’S LEAGUES OF HIGH REPUTE PROTEST AGAINST A RENEWAL OF LICENSE IN CITY FOR JARED FLAGG. IT IS CHARGED THAT HE CONDUCTED HIS AGENCY FOR IMPROPER PURPOSES.”

The *New York World* of May 3d, 1906, came out with the following:

"FLAGG DENIED A LICENSE. IT HAS BEEN INTIMATED THAT HIS AGENCY WAS IN REALITY A FEEDER FOR DISORDERLY HOUSES."

Other New York City daily papers, in substance, made similar statements.

Was this the kind of news Bogart and the others wanted my clients and their parents to read?

It does not seem right that any man should be given such power, the power to make public, without justification, such a charge; casting such a reflection on such a number of innocent persons.

Fathers, mothers and brothers rushed to my office. One brought a policeman with him. "My sister—my daughter—was your client. Tell me, tell me the truth; did you ever, ever since she has been coming to your office, ask her, send her, try to persuade her to go to a disreputable house?" Ready to tear me to pieces, and trembling with rage, these were the questions fired at me, and had it not been for despatches and telephone messages, received by them from Auburn Prison authorities, in response to urgent inquiries, my life would not have been worth two cents.

I am not easily perturbed, but if there ever was a time when I wanted to experience peace and serenity, the kind that comes over a philosopher when incarcerated in a prison cell, it was that day; the day they upset chairs, and jammed, and surged, and forced their way into my private office. Behind the uniformed officer I stood, poking him in the ribs and urging him to act quickly and arrest me; but the police never were disposed to accommodate me and this one would not on this occasion.

And, only to think! just one little cent would have obviated the placing of me in this false position. A penny postal card addressed to the Warden, would have brought back to the Commissioner the truth, and well John N. Bogart knew it. He knew it so mightily well that he did not do it; but I did, and the following is a copy of the reply I received:

"To whom it may concern:

This is to certify that a careful examination has been made of the records of Auburn Prison, and the name of Jared Flagg does not appear among the names of those received between the years 1894 and 1898. Furthermore, the above name does not appear on the

records prior or subsequent to the above mentioned period.

(signed) GEORGE W. BENHAM,  
Warden Auburn State's Prison."

This document not only bore the official seal of Auburn State's Prison, but was certified to by the Prison Department at Albany.

With this paper in my possession I, personally, appealed to the newspapers to set me right with my clients and the public by publishing it, or by making a retraction. But not one of them, the city dailies or the dramatic weeklies, although they did not question its authenticity, would do so. They were all willing to publish the lies but unwilling to publish the truth.

You can say what you like, it was pretty tough; they were pounding me hard. The esteem of thousands one day; the condemnation of thousands the next day. To experience and to stand up under this required fortitude. But I am not asking commiseration. I want only justice.

Now if the reader thinks that Mr. Bogart, by abusing the great power this city has conferred upon him, aided another, or others, in bringing about this deplorable state of af-



fairs; if he thinks that Mr. Bogart acted unjustly in permitting Lawyer Goodhart, without a semblance of evidence, and without having made the slightest investigation, to stand up in public and accuse me of having served a sentence of two years in Auburn State's Prison for the crime of decoying young girls to houses of ill-repute, thereby deceiving numberless fathers and mothers and causing them to visit their wrath upon me. when he, Bogart, had had so much time (TWENTY-FIVE DAYS), and could so easily have ascertained the truth by communicating with the Warden of the prison; and if the reader thinks any or all of these acts tend to show conspiracy on the part of Mr. Bogart, in conjunction with another, or others, then he, "if the acts speak for themselves, is at liberty to infer the intent." So much for John N. Bogart.

Now all during this time, the time between the secret Sunday night meeting of March 25th, 1906, in Cullison's office, up to the very day before the hearing was to be called, I was in total ignorance of what was going on. I did not have an inkling of the trouble brewing, the plot, the whispered conversations along the "Rialto," the underhanded inter-

views at the License Commissioner's office with Miss Arthur, Mrs. Smith, Keating, Cullison, Goodhart and others. All this time I was attending to my own business without a suspicion that others were planning and scheming to wreck it. The first intimation I had of anything wrong came in the shape of a letter from the License Commissioner of which the following is a copy:

"New York, April 26th, 1906.

Mr. Jared Flagg:

*Dear Sir.*—The Commissioner of Licenses directs me to inform you that an objection has been lodged in this office against the issuance of a license to you.

Mr. Lawrence G. Goodhart, as attorney for the Woman's Rescue League, has entered the objection and has asked for a hearing. The Commissioner will hear his objection, and that of any other person who may appear, on Saturday next, April 28th, 1906, at 10.30 o'clock a. m., in his office, and asks that you be present or represented.

Yours truly,  
JOHN J. CADWELL, Secretary."

Even after reading this letter I did not regard the matter as serious. I knew that I

had done nothing out of the way and that no client of mine could have just cause to complain. I felt that it was some mistake, and that the matter, whatever it might be, would adjust itself.

This is what I saw in the office of the Commissioner of Licenses for the City of New York, 277 Broadway, Borough of Manhattan, to wit:—A large room and a long table, at one end of which was a seat reserved for the Commissioner. A stenographer occupied a chair to the left. A police officer showed me to a chair at the left of the stenographer. To the right of the Commissioner's chair was F. L. C. Keating, formerly License Commissioner, but now attorney for the Theatrical Agents' Society. In the chair next to his, and directly opposite to mine, was Lawrence G. Goodhart, attorney for the alleged "Woman's Rescue League." Then came Helen Arthur, attorney for the Woman's Municipal League. Next to her were several of her female cronies—not witnesses, she could produce none. And at the far end of the table a dozen or more newspaper reporters were seated.

In due course of time the "Honorable" John N. Bogart, Commissioner of Licenses, who was to act as the Judge, emerged from an ante-

chamber, followed by Charlotte Smith, the self-styled president of the alleged "National and International Woman's Rescue League," for which Lawyer Goodhart claimed to be counsel.

The License Commissioner was solemn. They were all solemn and well they might be. They were about to deprive a fellow being of his inalienable rights—the right to make an honest living in his chosen vocation. But this was not all, they were about to steal from him his name. Whatever it was worth to him in his business and in his relations with mankind, they were about to take it from him; not unintentionally, but intentionally; knowing what they were doing, knowing and not caring; knowing that they were thieves, differing in no respect from the commonest sneak-thief—unless it be that they lacked his courage. Generally when a thief is caught "red-handed," with the goods on him, he owns up and takes his "medicine like a major." But these long-faced, sanctimonious Pharisees, when caught in the act, tried to lie out of it, by pretending they did not know what they were doing.

At that time I, knowing nothing about the plot which had been hatched to ruin me, and not for one moment supposing that the License

Commissioner of this great city was a man devoid of honor, attended the hearing without being represented by counsel. Lawyer Goodhart noticing this, asked with an air of self-righteousness if he might address a few words to the defendant. "It is only fair that the defendant should be cautioned. Mr. Flagg is not a lawyer and we do not wish to take undue advantage of him. He should be told that anything he may say at this hearing may hereafter be used against him."

Think of a lawyer getting off a speech like that, and in the next breath reading aloud the lies contained in the letter of April 3d, 1906. He knew, and everyone of them knew, that they would be unable to substantiate the charge that I had served a term in Auburn Prison or in any other State's prison for the crime of decoying young girls to houses of ill-repute or for any other crime; but they were cunning enough to know that such an accusation, in itself, would work an incalculable injury to me. It was part of their plot to end my career as a theatrical agent; the first move as it were, and the moment it had been made, every newspaper man at the far end of the table recorded it. Then all eyes were turned on me.

Considering I had never even seen Auburn State's Prison I expressed a desire to see its records. "Certainly," replied the Commissioner; and then to preserve his dignity in the eyes of the newspaper reporters he turned to Lawyer Goodhart, and in a take-it-for-granted kind of way said, "Counselor, show Mr. Flagg your certified copy of the prison records." He said it just as if he supposed Goodhart really had such a copy, when he knew all the time, as well as Goodhart knew, that no such certified copy of the Auburn State's Prison records, implicating me, existed.

Goodhart made some silly excuse, attributing his inability to procure the records to his floating kidney which was causing him trouble. This bit of side play between the two was obviously for the purpose of deceiving the reporters, and incidentally conveying the idea to the public that such a document in reality existed.

"Give me three days and I will produce a copy," said Mr. Goodhart. "Well, see that you do," remarked the Commissioner, "or I shall renew Mr. Flagg's license;" and an adjournment of three days was then ordered ostensibly for this purpose.



A direct charge, if false, can usually be disproved, but an indirect charge or an insinuation, however groundless, is not always so easy to overthrow.

The Smith woman, and the female lawyer, Helen Arthur, it seems must have been aware of this fact; for immediately after the sham "hearing" had been temporarily adjourned they unblushingly "buttonholed" the reporters, and proceeded to look wise and throw out hints—"It is intimated," they whispered, "that his agency is being used for immoral purposes. No! we have no evidence as yet, but we expect to have. Both Mrs. Smith and myself," said Helen Arthur, "are heartily in accord, and together we propose to ferret out and follow up every clew."

The question was asked by the reporters, if any complaints had been made against me. "We do not like to say. No, we can give no addresses or mention any names at present. It would hardly be prudent to do so. Later we may make a statement to the press. If you mention my name, please note that I am at the head of the 'Rescue Department of the Woman's Municipal League,'" said Miss Arthur. "And if my name is to be mentioned in the

newspapers," said Mrs. Smith, the alleged High Priestess of the fake, so-called "Woman's Rescue League," "please note that I am the President of the 'National and International Woman's Rescue League' of New York, London and Paris. No! we have no New York office, No! we have no London office, No! we have no Paris office; but we expect to have," remarked Mrs. Smith, as she smilingly shook hands with the Commissioner and reporters before bidding them adieu.

When two such women, posing as reformers, and thirsting for notoriety, free newspaper advertising, get their clutches on a dozen or more "space writers," there is no computing the damage they may do.

Now for a moment place yourself in my position, and try to imagine what your sensations would have been the morning after these female mischief makers had got in their "fine work" on the reporters at this burlesque "hearing" before the License Commissioner. If with honor and integrity you had built up a business from nothing to something; if for six long years, winter and summer, you had worked early and late; if you had dealt and talked personally with thousands of people,

ambitious, intelligent and worthy young women and young men, all eager to "make good" and advance in their profession; if you had by square dealing gained their esteem; if they not only returned year after year to do business with you, but referred their friends to you; if you were acquainted with many of their parents and if these fathers and these mothers also reposed confidence in you, if they respected you, if they depended on your honesty and your judgment to advise them with which managers, in which companies, it would be safe to entrust their sons and their daughters; and if you also had in the profession many acquaintances, playwrights of renown, actors and actresses whose names are known over the length and breadth of the land; and if you were acquainted with many of the leading stage directors, honorable men, who seemed and who were anxious to aid you, anxious to see you prosper in your business, men who did not hesitate to endorse you, to recommend you, and who would go out of their way to favor you; if you had such business acquaintances, and if you felt grateful, if you had failed in previous undertakings, but could now see success ahead; and if it made life seem worth

living; if it seemed to you (as it did to me) that you were accomplishing something in the world, procuring honest employment for thousands of honest persons; and if this knowledge were a satisfaction, if it were a greater satisfaction to you even than the cash profits of your business; if you valued more highly than money, the high regard in which you were held by those with whom you had business dealings; in short, if you were at peace with the world; if you had enemies, but were willing to overlook and forget past differences, willing to blame yourself instead of them; if you had thought it all over and were willing to let bygones be bygones, willing to forgive everyone but yourself, feeling that there was, that there is, in each man's life, sorrow and suffering enough to disarm you of all hostility; if this were how you felt; and if you had friends, not the fair-weather kind, the kind that are afflicted with affected accents or with social aspirations, and who quake in the knees at the thought of appearing as witnesses in courts of law or of getting their names in the newspapers, not the moral cowards who value above all other earthly possessions the superficial courtesies extended to them by the members

of their social set—I do not mean that kind—but real friends, the kind that don't scare and that will stand by, shoulder to shoulder with you, "true as steel," when clouds are gathering and when the future looks dark; if you had such friends; and if you had relatives who felt that you had disgraced the family name, though not intentionally, and were therefore staunch and true, uncles, aunts, cousins, nieces, and nephews; and if you had brothers, any one of whom would share his last dollar with you, brothers who would not permit any man or any woman, not even an old friend of the family, to malign you in their presence; if you had such brothers, whom you loved and sisters whom you loved, and a mother whom you loved; how would you feel to have her, and them, and all the others, some fine morning, open the newspapers, not one paper, but all the papers, and read that powerful societies—the Theatrical Agents' Society and also Benevolent Woman's Leagues of high repute had intimated, INTIMATED, that your place of business—your office—was not what it appeared to be—a legitimate agency—but a "feeder" for disorderly houses; how do you think you would feel? How do you think I felt?

## CHAPTER VIII.

Successful men frequently become so respectable that they develop into hypocrites. If they do anything out of the conventional it is done on the sly. They must be careful. People might talk.

Bogart, the License Commissioner, was afraid people might talk, especially the newspaper reporters; and this explains why he laid so much stress on the three days' adjournment.

"I shall grant this adjournment," he said, "for the purpose of giving us time to communicate with the warden, and if copies of the prison records implicating Mr. Flagg are not here in three days I shall issue a license to him." These are his words copied from the minutes, and they sounded all right to the reporters, but all wrong to me. Why should a



person who had had TWENTY-FIVE days in which to investigate a simple matter want three days more? It was ridiculous. It was a subterfuge, a trick on his part to create the impression in the minds of the reporters that I had in reality served such a term, and in three days proof thereof would be forthcoming. This was the impression that the newspapers conveyed to the public. But the proof did not come; and yet Mr. Bogart, despite his promise to give me my license, in the absence of such proof, did not do so.

What would you, the reader, say if you, in place of me, had been accused of a crime and brought before a judge and had told him you were falsely accused? What would you say if he had said to you, "All right, if I find that you have been falsely accused I will see to it that you are not punished, and in order to give myself time to investigate, and discover if you have been falsely accused, I shall lay your case over for three days?"

That might seem straight, but at the expiration of three days—the *expiration*—suppose then you had asked his "Honor" if he had made the investigation, what would you think if he told you he had not; but that in the

exercise of his discretion he had decided to punish you anyway, with or without evidence, what kind of a judge would you think you were up against? Would you regard him as an ornament to the Bench?

In substance this is what the "Honorable" John N. Bogart said to me; and those who heard him say it, and at the expiration of the three days also heard him lie out of it, and elect to punish me anyway, with or without evidence, expressed the opinion that he was a disgrace to the city that supported him.

Mr. Bogart sent for NO proof before ordering the charge to be made against me. He sent for NO proof after ordering the charge to be made against me. I hold a letter signed by the warden of Auburn State's Prison to the effect that NO person, barring myself, before or after the charge was made in public against me had, directly or indirectly, instituted any inquiries regarding the matter.

Was Mr. Bogart afraid to know the truth? Were they all afraid to know the truth? Had Mr. Bogart or any one of the others written he would have received word from the warden that there was NO truth in the charge which had been made against me. But did

Mr. Bogart, or the others, have any earthly use for such information? They were only interested in injuring me, and the injury was inflicted the moment the charge was made against me in public. If the injury was not inflicted why am I out of the theatrical business? And why have I been out of it from that moment?

The License Bureau is not conducted as it should be. Dishonest rulings are the rule, and my case was not one of the exceptions to the rule.

The *New York Evening Journal*, under date of November 5th, 1908, when commenting on a preliminary report made to Mayor McClellan by the Commissioners of Accounts, stated that "the License Bureau of this city is rotten to the core." It took them a long time to find it out. I could have given them this information three years ago.

No man should be placed in a position so far above his fellow men that he is privileged to summon a reputable citizen to appear before him, at a public hearing, for the purpose of ruining that reputable citizen's business and reputation. But Mr. Bogart has this prerogative. He occupies a position so exalted that

he is privileged to ignore all proof, all evidence, however vital, and under the license law he can, in the exercise of his discretion, ruin a man's business and reputation without rendering himself amenable to the law. This is what he says and I guess he is right.

Before recording the events of my second session with his Honor the Commissioner, the reader should be informed of all that took place during the three days' interval between the first and second hearings. They were not considerate enough to inform me, in advance, but I shall inform the reader.

Having made this Auburn Prison charge against me without an atom of evidence, they decided that it might be as well before making a second charge to manufacture a little evidence.

In the License Bureau they have a young lawyer named Henry N. Steinert. Mr. Steinert says Mr. Bogart told him to go over to the General Sessions Court and have a talk with William Hanna. Mr. Hanna is first assistant to Chief Clerk Edward R. Carroll of the said court. Bogart won't tell what he told Steinert to say to Hanna. Steinert won't tell what he told Hanna to say to Carroll, and Hanna

won't tell what he told Carroll to do, but as I shall tell you what Carroll did do, you can draw your own conclusions as to what was said.

The Chief Clerk of the Court of General Sessions of the City of New York has charge of the official records of said court. The records of my "flat trial" were in the custody of this chief clerk, Edward R. Carroll. He held the combination of the vault in which they were kept. Bogart knew this and Bogart said something to Steinert. Do not forget this fact. Steinert said something to Hanna. Keep this in mind also. And after Hanna had said something to Carroll, Carroll entered the vault, and "dug up" the records of my "flat trial."

To prove an innocent person guilty in New York City; that is, to legally prove a person guilty of any certain count in an indictment, who has been tried in a court of record, and adjudged not guilty of the said certain count, it is necessary to go through more or less "red tape."

As previously stated, years ago I had been adjudged not guilty by a duly impanelled jury of my peers, of the charge of renting flats

to be used for immoral purposes and of keeping disorderly houses. The records of the court in which I was tried show that I was acquitted of the aforementioned charges, Therefore to legally prove that I was not acquitted of the aforementioned charges it was essential not exactly to alter the minutes of my trial, on file in said court, but simply to have the chief clerk thereof draft a copy of the said minutes with such little variations as might be necessary to make it easy for his "Honor" the License Commissioner to persuade himself that the verdict of my jury was not what it purported to be.

This was done.

In the original court records the word "misdemeanor" appears. In the certified copy, made at Bogart's request, the word "felony" takes its place.

In the original the word "indicted" appears. In the certified copy, made at Bogart's request, the word "convicted" takes its place.

In the original the word "dismissed" appears. In the certified copy, made at Bogart's request, the word "sentenced" takes its place.

When a sworn certified copy of the minutes



of a trial carries with it the signature of the chief clerk of the court in which the case was tried, and also the official seal of the court, it is usually regarded as "knock-down" evidence.

This doctored certificate which was to be used as evidence against me, carried the seal of the General Sessions Court. William Hanna stamped it thereon. It also carried the signature of the chief clerk, Edward R. Carroll. After Mr. Carroll had affixed his signature he gave it to Lawyer Steinert of the License Bureau, who carried it from the Criminal Courts Building to the license office and gave it to Commissioner Bogart. Can you arrive at a conclusion now as to what Bogart said to Steinert and what Steinert said to Hanna, and what Hanna said to Carroll?

A man may have knowledge and experience and still be a fool. I was fool enough (at the expiration of the three days' adjournment) to go again down to the license office without taking a lawyer with me. What was the use of retaining a lawyer to prove that I had not served a term in Auburn State's Prison when all the lawyers in the land could not prove I had ever seen the outside or the inside of its

walls? Knowing nothing of what had taken place during the three days' interval, this was how I reasoned, so in I walked and there they were, the same old crowd: Charlotte Smith with her white kid gloves; Lawyer Goodhart with his two pairs of spectacles on his nose, he was there; Bogart, the "Honorable," he was there; ex-License Commissioner F. L. C. Keating, he was there also, notwithstanding that the Theatrical Agents' Society, which he was supposed to represent, had notified the press, the License Commissioner and myself, that it had no complaints to make against me.

The following is a copy of the letter I received from the Agents' Society, and in substance Bogart and the press received similar letters:

"Jared Flagg, Esq.:

"*Dear Sir.*—Our association has made no charges against you, nor are any pending.

"(signed) JAMES J. ARMSTRONG,

"President Theatrical Association,

"1431 and 1433 Broadway, N. Y. City."

Helen Arthur also sent a letter of which the following is a copy:—

"License Commissioner of the City of New York:

"*Dear Sir.*—As we have no complaints to make against Jared Flagg we hereby petition you to issue a theatrical agent's license to him. . . .

"HELEN ARTHUR,  
"Woman's Municipal League,  
"19 East Twenty-sixth Street, N. Y. City."

Miss Arthur was not present at this second hearing, but the reporters, they were all there, and when I glanced down at their end of the table they nodded politely. This was a bad omen, and I commenced to feel uncomfortable. Could it be possible that they were going to spring something new on me? Some other bogus charge? This thought flashed through my mind; and I opened the meeting without being asked to do so, by requesting the Commissioner to produce the Auburn Prison record, the one said to implicate me, and which Lawyer Goodhart had agreed at the previous hearing to present at this hearing; but, barring myself, no one would allude to Auburn State's Prison.

The Commissioner, whom I was addressing,

ignored me entirely, but called Lawyer Goodhart aside, and in a confidential manner and low tone of voice (too low for the reporters to hear but not so low that I was unable to hear) said to him, "You take this document and present it before me at the hearing."

Goodhart took it, and it was the bogus certified copy of the record of my "flat trial," which had been made at Bogart's request, and which Carroll had signed. First Goodhart, standing by a window, away from all of us, read it to himself. He then came over to the table, and, while standing, read the imposing legal document impressively to the Commissioner just as if it was something the Commissioner had never seen or heard of.

Goodhart then walked over to where the reporters were seated; showed the document to them; and they scrutinized it intently and copied certain portions of it. It was then taken to the other end of the long table and given to the License Commissioner. I occupied the second chair to the left of the Commissioner and he passed the document over to me for inspection. If ever I inspected a paper it was that one. Out of common politeness, under ordinary circumstances, I would not

have kept a room full of people waiting; but here was a case in which I proposed to take my time, and with care and deliberation I read every word.

Little did I dream, at that time, of the diabolical plot which was being perpetrated against me. The document had every appearance of being authentic. After having read it twice over, once more I looked at the words "felony," "convicted," "sentenced." Could I believe my own eyes? Was I worse than I thought I was? Was I guilty, when for years I had prided myself on being innocent? And again I looked, I looked at the gilt seal which was as large as a small sized buckwheat cake. I had nothing to say. We seldom regret having said too little. We frequently feel like kicking ourselves for having said too much. I could have said a few things, but decided to make no comment, simply to ask for an adjournment. Goodhart, at the first hearing, had asked for an adjournment of three days which was granted without question. Now I asked for a like adjournment, but instantly there was a storm of protest. "If not three, make it one. Give me a day to investigate this matter," I said to the License Commissioner.

"It means much to me; it means everything. If true, you can act on it to-morrow;" and I explained that one day could make no serious difference. He made no reply. Lawyers Goodhart and Keating seeing that he hesitated took him aside and whispered to him. It was the order of the day to take the Judge aside and whisper to him. They "do things differently" in the License Commissioner's office from the way they do them in a court of law. As Bogart himself said at my third hearing, "You might have that right in a court of law, but we do things differently here." The whispered conversation evidently produced the desired effect, for when his "Honor" returned to his seat his mind was made up and he was obdurate. He would not listen to an adjournment of even one day. "Give me two or three hours, then," I said. "Let me rush over to the Court of General Sessions and I will be back with some word or someone who will explain that this certificate is not a true copy of the records." But no, he would not delay a moment; and with the fraudulent alleged certified copy of the court records (held high above his head), in which the word "felony" had been substituted for the word "misde-



meanor;" and the word "convicted" substituted for the word "indicted;" and the word "sentenced" substituted for the word "dismissed;" he, the so-called "Honorable" John N. Bogart, who had given himself and the others an adjournment of three days, and had peremptorily refused to grant me an adjournment of three hours, ruled as follows (copied from the official minutes) :

By the License Commissioner:—

"I am going to save a lot of time. I accept this document as being a true statement that Jared Flagg was convicted of keeping a disorderly house and fined and imprisoned. I am going to rule that anyone convicted of keeping a disorderly house is not entitled to an agency license." Then turning to me he said, "Your application for a renewal of your license is DENIED."

This settled it, and the Commissioner and the others, including the reporters, hurried from the room. All left with the exception of the policeman and myself. I didn't move. For the moment I was staggered. I wanted to think a little. Was it true? Could it be true? But true or false my life had been blasted. This much at that time I knew. Now

in the eyes of the public I was a real felon. In the eyes of the public I was no longer a citizen of the United States; no longer had the right to vote; no longer had the right to walk the streets of the city; could no longer hold my head erect and look decent people in the face; mortified, chagrined, humiliated, my name vilified, my reputation gone, my business ruined. Legally branded an outcast. Ostracised, banished, and subjected to the ridicule, scorn and hatred of my fellow citizens; the convicted keeper of a bawdy house, a disgrace to my family, to the community, and to myself. This would be the verdict of the people. Under the circumstances it would be impossible for them to reach any other decision, and despite anything I could say or do, thousands would condemn me; thousands would believe the forged document to be true; thousands would read the newspapers, and every daily newspaper in the city—English, German, French, Italian, Spanish and Hebrew would, and DID, PROCLAIM IT AS TRUE, BROADCAST TO THE WORLD.

## CHAPTER IX.

AFTER the horse had been stolen, the barn door was kept locked. After my license had been stolen I retained a lawyer, H. D. Mildeberger, Esq., and it did not take him long to discover that a forgery had been committed.

Suits were brought against Edward R. Carroll, Chief Clerk of the Court of General Sessions, and also against his assistant, William Hanna. These suits, four in all, twenty-five thousand dollars each, are still pending. Two for damages and two for libel. The libel suits are of such a character as to be libelous *per se*; that is, judgment may be recovered without being called upon to show actual money loss.

The License Commissioner after illegally depriving me of my license, which is the same thing as stealing it from me, probably thought

that that would be the last he would hear of the matter. But when it was made clear to me that the document on which he had denied my application for a renewal license was a forgery, I called and asked him to annul his decision. This he refused to do, whereupon my lawyer appealed to the Corporation Counsel of the City of New York. It is this official's duty, among other things, to defend the License Commissioner in matters relating to the conduct of his office. My particular matter was placed in charge of Assistant Corporation Counsel Charles O'Neil, and Mr. O'Neil, after investigating, advised Commissioner Bogart to retract. But as time rolled by, and as no retraction seemed to be forthcoming, I instructed my attorney to carry the case to the Appellate Division of the Supreme Court. This move on our part made Mr. Bogart sit up and take notice. If he allowed my case to reach this court, his entire doings under the law would have to be reviewed by the Appellate Division judges, and what would they have to say about the forged certificate, the perjured testimony and the illegal and biased rulings of the License Commissioner?

If anyone knew, Bogart knew, that in the

Appellate Division of the Supreme Court they "did things differently;" that is, differently from the manner in which he "did things." It was he, as previously stated, who had told us so. His exact words, copied from the minutes, read: "You might have that right in a court of law, but we do things differently here." By "we" he meant himself, and by "here" he meant the License Bureau. And now my case was going to a different tribunal. It was on the calendar of the Appellate Division of the Supreme Court, and Bogart, judging from his frantic efforts, was more than anxious to have it taken off this calendar and brought back to him, where it could and would, according to his own words, be dealt with *differently*. Unquestionably he knew that if the case should be reviewed by this high court it would go hard with him, whereas he wanted it to go hard with me. And in order that it might go hard with me and that I might again be placed at his mercy; and in order that it might not go hard with him and that his crooked acts might not be passed upon by the judges of the Appellate Division of the Supreme Court, he finally accepted the advice of the Assistant Corporation Counsel, Charles

O'Neil, and owned up to the truth and sent me a letter of which the following is a copy:—

“New York, July 7, 1906.

Mr. Jared Flagg:

*Dear Sir.*—I hereby notify you that the determination reached by me on May 2, 1906, whereby your application for a license to keep a theatrical agency was denied, has been annulled by me, on the ground that it appears that the record of the Court of General Sessions offered in evidence, relative to your trial in that court, was erroneously certified by the clerk thereof.

You are hereby notified that a hearing upon your application will be held on the 23d day of July, 1906, at 2.30 p. m., at this office.

Respectfully yours,

(Signed) JOHN N. BOGART,

Commissioner of Licenses.

At first he had refused, but he was “annulling” all right now.

With the aid of Webster's Dictionary, I discovered that “erroneously” meant falsely; and in making his confession, he should have used this word, but I suppose he liked the sound of the other one better.



An erroneous document is a false document; and this one, solitary, false document, although in no manner, even remotely, related to my theatrical business, was the *only* evidence used against me. THIS IS THE POINT I WANT TO MAKE CLEAR. No other evidence was submitted. No witness, no client, no person in any way connected with my agency office, or the theatrical profession, appeared before the License Commissioner to testify against me. And it was solely on this ONE false document, which had nothing to do with the theatrical business, which referred only to my "Flat" trial of years ago, 1896, that my application, made ten years later, 1906, for a theatrical agent's license, was denied. Therefore, the fact that Commissioner Bogart now, in writing and over his own signature, admits that the document was "erroneously certified," is equivalent to admitting that I lost my business, its good will, my good name, the esteem of my customers, the confidence of their parents, the respect of the community at large, and all else, on a FALSE DOCUMENT.

Barring Bogart, Goodhart, Keating, McConville, Weeks, Donohue, Price and a few others, it is problematical as to whether any

person would say that it was right to take the bread and butter out of my mouth on such a document—perjury, forgery and certified lies; but it was done to me just the same. There are those in this world who might, if subjected to such an injustice, lose heart and want to lie down and die. But not I. Die? Never! I have too much to do, am too busy trying to regain the esteem of my fellow beings to shuffle off this mortal coil without first compelling those who have so unjustly maligned me to acknowledge the error of their ways.

More than once, and by more than one, I have been treated like a dog; not that I merited it, but because, since the days of the "Flagg Flats" an impression has prevailed that that is the proper way to treat me. Some persons are awfully proper. It does not take much to shock them, and this may explain why most of the little ups and downs of my life date from those days. Up to that time the going was tolerably smooth, and had I then, when first approached by the police, paid tribute to them, in the shape of "blood money," I should not now be talking about "fake hearings" and "erroneously certified"

legal documents. This is another point I want to make CLEAR AND EMPHATIC. Had I, years ago, knuckled under to the police, not one word reflecting on the ethics of my tenants, or on my own morality, would ever have been heard. There would have been no scurrilous newspaper articles alluding to them or myself, published. I should have occupied a position above reproach. I should have been rich. Even if I had given the police every dollar of the net profits accruing from my furnished flats, the advance in the real property located in the heart of New York City and held by me fifteen years ago has been so great that it would in itself have made me financially independent of the world. At a low estimate this advance in value would have exceeded half a million of dollars.

If money covers a multitude of sins, considering that I am not half as bad as I have been painted, do you not suppose that with such a fortune I could have covered all my sins? Why, there is no question about it. I should have been regarded as a paragon of virtue. Nothing would have been too good for me. I should have been courted and esteemed; whereas now I do not see as I am being

courted, and I doubt if I would be considered eligible even to the "Four Hundred."

This is what a man sometimes gets for standing out on a principle; but I did it, and a volley of unprintable oaths and the clinched fist of a police captain, in full dress parade uniform, shaken in front of my nose, could not make me swerve from my principle. No "third degree," no threat, even when I saw dire ruin staring me in the face, could move me. But men have been moved by threats less aggravating. New York is full of blackmailers of all kinds; and many persons, posing as respectable, have yielded to their demands and paid "hush-money," and sacrificed self-respect that they might retain the respect of others. No person can, however, truthfully say that I ever debauched my honor for the sake of social or financial gain. And it was because Mr. Bogart knew I was no hypocrite and had nothing to cover up that he did not wish the judges of the Appellate Division of the Supreme Court to hear my story. To prevent me from telling it, he not only, as previously stated, owned up to the truth, but in the concluding paragraph of his confessing letter, ordered me to appear before him for a re-

hearing. This was not to my liking. I had had all the hearings I wanted, and to restrain him from holding any more in my case, served him with a temporary injunction. It was at this particular juncture that his "Royal Highness" did some tall prevaricating. He had ordered me to come back for a re-hearing, but instead of coming I had "clapped" a temporary injunction on him which acted as a restrainer; put an end to any further hearings in my case until such time as he could have the injunction vacated. The uncertainty as to whether it ever could be vacated riled him, and although I do not wish it understood that he so far forgot himself as to raise his right hand and swear before Almighty God to a lie, I do want it known that he affixed his signature to several lies. John N. Bogart is not a man to commit perjury; that would be against his principles; he knows the penalty; but, place him in a compromising position and he will not scruple to affix his signature to a lie as is shown in his Return (which means his defense) to the Writ of Certiorari which I had brought against him and which was at the time pending before the Appellate Division of the Supreme Court. In this Return, which was

to be read by the Judges of the Appellate Division he said that the 'Theatrical Agents' Society, as a Society, and the Woman's Municipal League, as a League, and also the Woman's Rescue League, as a League, had appeared before him as complainants against me. His exact words copied from the court records were as follows:

"Lawrence G. Goodhart, 21 Park Row, appears for the Woman's Rescue League.

"The 'Theatrical Agents' Society appears by Frederick L. C. Keating, of 38 Park Row.

"The Woman's Municipal League appears by Miss Helen Arthur, of 277 Broadway."

On June 13th, 1906, he tells the Judges of the Appellate Division of the Supreme Court that the 'Theatrical Agents' Society appeared before him on April 28, 1906. (The word "appeared," when used in this legal sense, means put in an appearance; it means the 'Theatrical Agents' Society, as a body, and as complainants, put in an appearance against me.) Mr. Bogart knew that was not true. On April 28th, 1906, a month and a half before he affixed his signature to this false statement, when the question, at my first hearing, was asked Lawyer Keating (and Bogart himself



was the one who asked the question), "Do you appear here for the Theatrical Agents' Society?" Mr. Keating's answer (and I am quoting from the minutes) was as follows:—"No, your Honor, the Theatrical Agents' Society does not appear against Mr. Flagg. I am simply here as a spectator and to see that Mr. Flagg, who is a theatrical agent, receives a square deal."

To this answer, as is shown by the minutes, Commissioner Bogart remarked: — "Mr. Flagg seems competent to look after his own affairs."

The very next day, April 29th, 1906, in response to a letter from me to it, the Theatrical Agents' Society notified Commissioner Bogart, in writing, that it had not appeared against me. Furthermore, I, personally, showed Mr. Bogart a letter I held, and still hold, signed by the President of the said Society, J. J. Armstrong, to the effect that it had lodged no complaint against me and had no complaint to make. But, despite all this proof, a month and a half later, June 13th, 1906, and over his own signature, Mr. Bogart informed the Judges of the Appellate Division of the Supreme Court that the Theatrical Agents'

Society HAD appeared before him, on April 28th, 1906, and was there and then represented by Lawyer Frederick L. C. Keating. He wouldn't swear to it; Bogart wouldn't commit perjury; that would be against his principles; he knows the penalty; but he would and did affix his signature to this LIE.

When in the same so-called Return to the same Writ he informed the same Appellate Division judges that the Woman's Municipal League had appeared before him and was represented by Miss Helen Arthur, he knew that this was not so. He had asked Miss Arthur, as a special favor to him, to be present at my hearing, "with or without a complaint," and simply to accommodate him she was present *without* a complaint. When Mr. Bogart asked her if the Woman's Municipal League had any charges to make against me she replied (and I am quoting from the minutes), "We have no complaint." Later she not only put this in writing (that she had no complaint), but requested the Commissioner to grant me a license. I, furthermore, showed Mr. Bogart a letter, which I held and still hold, signed by the Woman's Municipal League, to this same effect. And yet despite

all this proof he notified the Judges of the Appellate Division of the Supreme Court, a month and a half thereafter, June 13th, 1906, that the Woman's Municipal League HAD appeared before him at my first hearing, April 28th, 1906, and was there and then represented by Miss Helen Arthur. He wouldn't swear to it; Bogart wouldn't commit perjury; that would be against his principles; he knows the penalty; but he would and did affix his signature to this LIE.

When also he made the statement in the same Return to the same Writ and to the same judges, that the Woman's Rescue League had appeared and was represented by Lawrence G. Goodhart, he knew it was false, and I will explain why he knew it. When my lawyer was cross-questioning Charlotte Smith regarding her fake "League," and she was becoming hopelessly entangled and her lawyer was objecting and the License Commissioner was sustaining his objections, he, Bogart, made the following remark to my lawyer (copied from the minutes), "Mr. Mildeberger, you might have that right in a court of law, but we do things differently here, and I shall not allow any questions regarding this League" (mean-

ing the fake "Woman's Rescue League"), "because according to the statement of the attorney who represents this witness" (meaning Charlotte Smith) "no such League appears here or is represented before me." This, as per the official minutes, is what he said to my lawyer. "No such League appears here or is represented before me." But, as per the official Court Records, he tells the judges of the Appellate Division that such a League HAD appeared before him, at my first hearing, April 28th, 1906, and was then and there represented by Lawyer Lawrence G. Goodhart. He wouldn't swear to it; Bogart wouldn't commit perjury; that would be against his principles; he knows the penalty; but he would and did affix his signature to this LIE.

He prepared, signed and filed with the Appellate Division these and other false statements so that in case he had to appear before this court he seemingly would have some ground of defense to my writ. But in the meantime he was putting forth every effort to have the injunction vacated which I had secured against him and which restrained him from holding further hearings in my case. And after many delays and a bitter legal fight,

Justice V. J. Dowling ordered the injunction vacated; so after all I was obliged to return and appear again before his "Honor," the License Commissioner.

Every time I think of this return-hearing I experience a touch of sea-sickness. Not that I actually disgorge, but the symptoms are all there. Talk, talk, talk, quibbling all the time, first one lawyer and then another, over matters wholly irrelevant, and making no progress.

To appeal a case the testimony for and against the defendant must, at the defendant's expense, be printed and bound in pamphlet form before it can be submitted to a higher court. In this case I was the defendant, and in the event of an appeal each word spoken would cost me just so much money to have it printed. Therefore, to check this needless flow of expensive words at my subsequent hearings, I determined to eliminate Lawyers Keating and Goodhart; and with this end in view I notified them that if they took any further part, ever again, at any of my hearings before the Commissioner, I would bring them up before the Lawyers' Grievance Committee and give them an opportunity to show cause why they should not be disbarred as co-conspirators in the plot

to deprive me of my license. This notification, which was duly drawn up in writing after I had had a talk with Assistant District Attorney Marshall, must have almost frightened the life out of these two "legal lights," for they dropped Bogart like a "hot potato," and from that day till this I have not laid eyes on either one of them.

Tell a crooked lawyer engaged in a crooked case to quit or you will move to have him disbarred, and he will quit every time and quit in a hurry. But with the "Honorable" John N. B—— it was different. He couldn't quit. The conspirators (certain theatrical agents and others previously named) had influence with certain political bosses, and Bogart may have received orders from someone higher up, possibly a "Tammany ward heeler"; and his salary, one hundred dollars a week, for all I know, may have been at stake; so he had to keep the hearings going, and at the progress he was making it would have taken him a year or more to complete the job. He seemed purposely to retard us. It was not, he said, so much a question of virtue at the present time. He admitted that I might now be a moral man and might have lived a moral life during all the years in which I had been engaged in the



theatrical business; but the question he wished to determine, even if it took a year, was, had I always lived such a life? In his opinion any man who, at any period, had been guilty of "sowing wild oats" was not a fit person to be a theatrical agent. You have no idea, unless you have been one yourself, what an exemplary lot they, the theatrical agents of this city, are. And so the tiresome, silly, make-believe hearings, month after month, dragged on; and the money I had saved was melting as money only can melt when everything is going out and nothing coming in. It was when things were in this precarious condition that I ran up against a snag, the worst I had struck, a letter written by my brother Ernest and which reads as follows:

"If I were you I would waste no more time or money in trying to procure a license. It is not worth it, and I wish you would cut loose from this whole unsavory mess and turn your attention to something that has a future and is worthy of you and your bringing up. I am sure if you look around you will find a profitable opening in some direction. You may think your past record a handicap, but I doubt if it will prove as much of a one as you imagine. If you will take my advice, I will stand behind you and will show my confidence by not limiting you in time or amount. When you want money ask for it and I will send it to you."

Before I had half finished reading this letter my arms dropped. Here was where I couldn't fight. I knew he did not realize what he was asking me to do, but that did not help matters. He was my brother, and it is different when it's your brother.

Engrossed in vast enterprises involving millions of dollars and the employment of thousands of men, he had had no time to look into my affairs which, in comparison with his own, were picayune. He only knew that I had been dealing with theatrical people, and had not made a fortune. And on general principles, without being familiar with the thousand and one circumstances surrounding the case, he had, out of the kindness of his heart, written the aforementioned letter to me. Had it come from another I would have thanked that other for his advice and offer, but would have declined both and continued the struggle. I would have gone down to my grave fighting rather than have let up on the scoundrels who had swindled me out of my license.

Lawyer Mildeberger, all my lawyers, William Marshall, Assistant District-Attorney, and everyone familiar with the attendant conditions said it had been withheld from me ille-

gally; and I was terribly anxious that this fact should be known. If I could have said, if I could have advertised, in the theatrical and daily papers that the license had been granted, that it was once more hanging in its frame over my desk, in the same old place, it would have been a vindication, and this was all I wanted—my name.

The eyes of the theatrical world were upon me. It should be remembered that I was known, known clear across the continent, wherever spectacular and light opera companies are booked. Thousands were waiting and watching and wondering whether I would win or lose. The withholding or the granting of that little piece of printed paper, to me, meant *everything*. It could give to or it could take from me what money could not buy. In the estimation of all these people—thousands of people—it meant one thing or the other, an upright man or a degenerate. What then would the inference be if I allowed the matter to go by default?

Not only the theatrical papers published in New York, but in other large cities, had announced to their readers that the fight was on. What reason could I give if I now

"threw up the sponge," and what reason would they, the editors of these papers, assign? Aside from the operatic managers and theatrical agents and general public I had a clientele of over seven thousand young women, and the man does not live who can afford to ignore the opinion of seven thousand of his fellow beings. On the other hand, the man does not live who can afford to tell his brother to "go to the devil!" If I had ignored my brother's letter, what would have been the result? It is true I could have explained matters; and had I done so he would, without waiting to hear details, have said, "If that is how you feel, why, of course, fight the thing to a finish." I am well enough acquainted with him to know that that is just what he would have said; but—there would have been a *but*. He advised, I refused; he listened, I explained; and it was all right—but (here is where the *but* comes in) it would be all wrong. There would have been *that* feeling, the feeling that time, years of time, alone can obliterate. I didn't want any of *it*; and with the full knowledge that I should be misrepresented by the Press (and I was), and misjudged by the people (and I was), I

decided to abandon the contest and relinquish all hope of ever again becoming a theatrical agent.

"Blood is thicker than water," and between the multitude and the one, I decided.

There is some hope for a man who can decide wrongly. A day may come when he will decide rightly. But a man who can never decide, who always wants to think it over and winds up by asking some other person to decide for him, for him there is no hope.

Without a quibble, an explanation, or an interview, just as if it were a matter of small moment to me, just as if it were easy to disregard the verdict of those who had formerly respected me, I requested my lawyer to notify Commissioner Bogart that I would withdraw my application for a license. In reply to this notification we received a letter of which the following is a copy:

"NEW YORK, February 6, 1907.

"H. D. MILDEBERGER, Esq.,

"Attorney-at-Law,

"*Dear Sir.*—Your communication, as Attorney for Jared Flagg, notifying me that he

wished to withdraw his application for a license has been received, accepted and filed.

“Yours truly,  
(Signed) “JOHN N. BOGART,  
“Commissioner of Licenses.”

The day this letter acknowledging the acceptance of the withdrawal of my application for a license was received it was forwarded to my brother Ernest, and the following day he wrote me “I am sure you have made a wise decision.”

So there you are. That’s the whole story. And mark you this story, word for word, was published over a year ago. Not only published but read by those herein denounced. Marked copies of the first edition, as stated in the preface of this edition, were sent to them ALL with my compliments. Were it not therefore, from the beginning to the end, a TRUE story, do you suppose I would now be going about loose accepting the congratulations of my friends?—Hardly—I would be in jail and the charge against me would be

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